

No. 19-56417

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

AL OTRO LADO, INC., *et al.*,
Appellees,

v.

CHAD WOLF, Acting Secretary of Homeland Security, *et al.*,
Appellants.

APPEAL FROM DECISION OF THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA
No. 17-cv-02366-BAS-KSC

**APPELLEES' SUPPLEMENTAL EXCERPTS OF RECORD IN
SUPPORT OF OPPOSITION TO MOTION FOR STAY PENDING
APPEAL**

**VOLUME 4
PROVISIONALLY FILED UNDER SEAL**

Melissa Crow
SOUTHERN POVERTY LAW CENTER
1101 17th Street, N.W., Suite 705
Washington, DC 20036
(202) 355-4471

Matthew H. Marmolejo
Mayer Brown LLP
350 S. Grand St., 25th Floor
Los Angeles, CA 90071
(213) 621-9483

Baher Azmy
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway, 7th Floor
New York, NY 10012
(212) 614-6464

Ori Lev
Stephen M. Medlock
MAYER BROWN LLP
1999 K Street, N.W.
Washington, DC 20006
(202) 263-3270

Sarah Rich
Rebecca Cassler
SOUTHERN POVERTY LAW CENTER
150 E. Ponce de Leon Ave., Suite 340
Decatur, GA 30030
(404)-521-6700

Karolina Walters
AMERICAN IMMIGRATION COUNCIL
1331 G St. N.W., Suite 200
Washington, DC 20005
(202) 507-7523

Counsel for Appellees

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*These documents lack CM/ECF numbering from S.D. Cal. because they were filed under seal in the district court and served on Appellants by email.

1 MAYER BROWN LLP
 2 Matthew H. Marmolejo (CA Bar No. 242964)
 3 *mmarmolejo@mayerbrown.com*
 350 S. Grand Avenue
 25th Floor
 Los Angeles, CA 90071-1503
 4 Ori Lev (DC Bar No. 452565)
 (*pro hac vice*)
 5 *olev@mayerbrown.com*
 Stephen M. Medlock (VA Bar No. 78819)
 6 (*pro hac vice*)
smedlock@mayerbrown.com
 7 1999 K Street, N.W.
 Washington, D.C. 20006
 8 Telephone: +1.202.263.3000
 Facsimile: +1.202.263.3300
 9

10 SOUTHERN POVERTY LAW CENTER
 Melissa Crow (DC Bar No. 453487)
 (*pro hac vice*)
 11 *melissa.crow@splcenter.org*
 1101 17th Street, N.W., Suite 705
 12 Washington, D.C. 20036
 Telephone: +1.202.355.4471
 13 Facsimile: +1.404.221.5857

14 *Additional counsel listed on next page*
 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Kevin K. McAleenan,¹ *et al.*,

22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**PLAINTIFFS' REPLY IN SUPPORT
 OF MOTION FOR PRELIMINARY
 INJUNCTION PROHIBITING
 GOVERNMENT FROM APPLYING
 ASYLUM BAN TO PROVISIONAL
 CLASS MEMBERS**

PORTIONS FILED UNDER SEAL

Hearing Date: October 21, 2019

**NO ORAL ARGUMENT UNLESS
 REQUESTED BY THE COURT**

27 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary
 28 Nielsen pursuant to Fed. R. Civ. P. 25(d).

1 CENTER FOR CONSTITUTIONAL RIGHTS

2 Baher Azmy (NY Bar No. 2860740) (*pro hac vice*)

3 *bazmy@ccrjustice.org*

4 Ghita Schwarz (NY Bar No. 3030087) (*pro hac vice*)

5 *gschwarz@ccrjustice.org*

6 Angelo Guisado (NY Bar No. 5182688) (*pro hac vice*)

7 *aguisado@ccrjustice.org*

8 666 Broadway, 7th Floor

9 New York, NY 10012

10 Telephone: +1.212.614.6464

11 Facsimile: +1.212.614.6499

12 SOUTHERN POVERTY LAW CENTER

13 Sarah Rich (GA Bar No. 281985) (*pro hac vice*)

14 *sarah.rich@splcenter.org*

15 Rebecca Cassler (MN Bar No. 0398309) (*pro hac vice*)

16 *rebecca.cassler@splcenter.org*

17 150 E. Ponce de Leon Ave., Suite 340

18 Decatur, GA 30030

19 AMERICAN IMMIGRATION COUNCIL

20 Karolina Walters (DC Bar No. 1049113) (*pro hac vice*)

21 *kwalters@immcouncil.org*

22 1331 G St. NW, Suite 200

23 Washington, D.C. 20005

24 Telephone: +1.202.507.7523

25 Facsimile: +1.202.742.5619

26

27

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CITATION FORM

“Ex.” refers to the exhibits to the Declaration of Melissa Crow in Support of Plaintiffs’ Motion for Preliminary Injunction, Dkt. 294-2.

“Gov’t Ex.” refers to the exhibits to the Declaration of Alexander J. Halaska, Dkt. 307-1.

“Rep. Ex.” refers to exhibits to the Declaration of Melissa Crow filed concurrently with this brief.

INTRODUCTION

Plaintiffs seek a preliminary injunction to ensure that access to asylum remains an option for provisional class members, who—but for CBP’s illegal metering policy—would never have been subject to the Asylum Ban. Absent an injunction to preserve the status quo, this Court would be foreclosed from granting class members full relief and restoring them to the position they would have been in prior to Defendants’ unlawful conduct.

The bulk of Defendants’ opposition rests on the fundamentally incorrect premise that Plaintiffs’ motion challenges the validity of the Asylum Ban. Defendants’ arguments fail in numerous respects. First, this Court has ample authority under Rule 65 and the All Writs Act to preserve the status quo and Plaintiffs’ ability to obtain meaningful relief if they prevail in challenging the metering policy. Second, Defendants cannot overcome the collective force of the record evidence demonstrating that the asserted capacity justification for turnbacks is a pretext. Third, provisional class members will suffer irreparable harm if the relief they seek—access to the asylum process as it existed when Defendants subjected them to metering—is foreclosed by the effects of metering. Fourth, the balance of the equities favors the Plaintiffs, who seek only to preserve the status quo for long enough to litigate their claims. Finally, because Plaintiffs do not challenge particular outcomes in individual cases, but rather Defendants’ systematic failure to provide meaningful access to the asylum process, the jurisdiction stripping provisions Defendants cite are irrelevant.

ARGUMENT

I. THIS COURT IS EMPOWERED TO ISSUE THE INJUNCTION PLAINTIFFS SEEK

Defendants’ claim that the Court is not authorized to issue the requested injunction, Dkt. 307 (“Gov’t Br.”) at 10, rests on a fundamental misunderstanding of Plaintiffs’ motion. As Plaintiffs stressed, their motion does “not challeng[e] the

Asylum Ban itself,” which is under review elsewhere, Dkt. 294-1 (“Op. Br.”) at 9-10. Even assuming the validity of the Asylum Ban, Plaintiffs seek to preserve the legal status of provisional class members prior to its enactment so that they are not penalized by the illegal conduct actually challenged in this case—Defendants’ denial of access to the asylum process through their metering policy. Rule 65 grants district courts “broad powers and wide discretion to frame the scope of appropriate equitable relief” when issuing a preliminary injunction to preserve the status quo,” *Medina v. U.S. DHS*, 313 F. Supp. 3d 1237, 1248 (W.D. Wash. 2018) (quoting *SEC v. United Fin. Grp., Inc.*, 474 F.2d 354, 358-59 (9th Cir. 1973)), and to prevent the “irreparable loss of rights” that might occur before a final judgment. *Textile Unlimited, Inc. v. A. BMH & Co.*, 240 F.3d 781, 786 (9th Cir. 2001); *see also Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1060-61 (9th Cir. 2014).

Put another way, Plaintiffs’ requested injunction accomplishes exactly what Defendants concede is appropriate, as it “preserve[s] a court’s post-judgment remedial powers,” Gov’t Br. at 10, by ensuring that any relief provided will be meaningful. *See also* Charles Alan Wright & Arthur R. Miller, 11A Federal Practice & Procedure Civ. § 2948 (3d ed. 2019); *Di Biase v. SPX Corp.*, 872 F.3d 224, 231 (4th Cir. 2017) (“[A] preliminary injunction can also act to restore, rather than merely preserve, the status quo, even when the nonmoving party has disturbed it.”).

For the same reason, Defendants misunderstand the Court’s power under the All Writs Act (“AWA”), 28 U.S.C. 1651, because Plaintiffs in no way are making a “collateral challenge . . . on the implementation” of the Asylum Ban. Gov’t Br. at 24. Accordingly, Plaintiffs are not seeking to “enlarge [this] court’s jurisdiction” to address the Asylum Ban, Gov’t Br. at 24; they are seeking an order to preserve the court’s existing jurisdiction over Plaintiffs’ claims challenging the metering policy. Absent the requested relief, application of the Asylum Ban—which Defendants concede will bar access to the statutory process that would allow for consideration of provisional class members’ asylum claims on the merits—functionally would

1 extinguish the Court’s ability to provide effective relief in a well-pled and long-
 2 litigated challenge to the metering policy. Fundamentally grounded in equity, the
 3 AWA recognizes that Defendants should not benefit from the very illegality before
 4 the Court—the functional denial of access to the asylum process through metering—
 5 to insulate their claims from review. *See F.T.C. v. Dean Foods Co.*, 384 U.S. 597,
 6 604 (1966) (AWA allows court “to preserve [its] jurisdiction or maintain the status
 7 quo by injunction pending review of an agency’s action”); *Abu Ali v. Ashcroft*, 350
 8 F. Supp. 2d 28, 54 (D.D.C. 2004) (courts “may and should take such action as will
 9 defeat attempts to wrongfully deprive parties” of their right to pursue claims).

10 **II. PLAINTIFFS HAVE SATISFIED THE PRELIMINARY INJUNCTION** 11 **STANDARD**

12 **A. Plaintiffs Are Likely To Succeed on the Merits**

13 Plaintiffs’ primary legal argument is that metering is a blatant violation of the
 14 law for which Defendants lack statutory and constitutional authority. Much of
 15 Defendants’ rebuttal to Plaintiffs’ likelihood of success on the merits argument
 16 merely reasserts legal arguments already rejected by this Court.² Defendants did not
 17 seek reconsideration of the Court’s decision on its Second Motion to Dismiss, and
 18 Defendants provide no reason for doing so now through briefing on this motion. *See*
 19 *Gonzalez v. Arizona*, 677 F.3d 383, 390 (9th Cir. 2012), *aff’d sub nom, Arizona v.*

20
 21 ² Compare, e.g., Gov’t Br. at 14 (“[E]ven if metering were done for deterrence
 22 purposes, a policy that seeks to deter irregular migration would be lawful” and citing
 23 *Sale v. Haitian Ctrs. Council, Inc.*, 509 U.S. 155, 163–64, 165 (1993)) with Dkt. 280
 24 at 24, 63 (finding that deterrence policy based on false claims of capacity is
 25 “plausibly inconsistent with and violative of the scheme Congress enacted” and
 26 citing *Sale* while explaining that Plaintiffs raise cognizable statutory claims); Gov’t
 27 Br. at 19 (“The Constitution and the INA grant the Executive the authority and duty
 28 to manage the flow of trade and travel through ports of entry.”) with Dkt. 280 at 58
 (“Whatever authority the Secretary may possess . . . over the ‘flow of traffic’ across
 the border, Congress’s general allowance for the Secretary to ‘perform such other
 acts as [she] deems necessary for carrying out’ her authority to administer and
 enforce the INA, . . . cannot entail the authority to rewrite specific congressional
 mandates or to pretend that such mandates do not exist.”); Gov’t Br. at 20-21
 (“Plaintiffs have no statutory rights under sections 1225 or 1158 while standing in
 Mexico.”) with Dkt. 280 at 42 (“The Court concludes that the statute’s language
 sufficiently displaces the presumption [against extraterritoriality].”).

1 *Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1 (2013).

2 On Plaintiffs’ alternative argument that metering is an effort to unlawfully
 3 deter asylum seekers and is based on pretextual claims of lack of capacity,
 4 Defendants’ factual arguments regarding the likelihood of success on the merits
 5 ignore their own documents. *See Aracely, R. v. Nielsen*, 319 F. Supp. 3d 110, 140-
 6 41, 148 (D.D.C. 2018) (ICE official’s “self-serving declaration” was “not sufficient
 7 to discredit” credible evidence to the contrary—including evidence of the agency’s
 8 own past statement—at PI stage); *cf. FTC v. Neovi, Inc.*, 604 F.3d 1150, 1159 (9th
 9 Cir. 2010) (“[A court] need not find a genuine issue of fact if, in its determination,
 10 the particular declaration was uncorroborated and self-serving.”). Defendants point
 11 to evidence that the overall number of asylum seekers attempting to enter the United
 12 States at ports of entry has increased. That may be true, but it is also irrelevant. The
 13 relevant question is whether Defendants had sufficient capacity to inspect and
 14 process these increased numbers of asylum seekers without resorting to metering.
 15 *See* Dkt. 280 at 60-62. The evidence unequivocally shows that Defendants had
 16 excess capacity and workable contingency plans to deal with the increased numbers
 17 of asylum seekers, but they chose to violate the law instead. As a result, each of
 18 Defendants’ six factual arguments fails.

19 First, Defendants encourage the Court to ignore the fact that the Brownsville
 20 POE was operating well below the capacity set out in a Laredo Field Office
 21 Contingency Plan by arguing that the Plan is only for “urgent and emergent
 22 situations,” not for daily operations “as a matter of general course.” Gov’t. Br. at 16.
 23 But that argument is belied by the text of the Plan itself, which states clearly that it
 24 is intended for “manage[ment of] a mass migration event *and/or a sustained*
 25 *migration occurring at the port of entry.*” Ex. 43 at 131 (emphasis added). The Plan
 26 is meant “[t]o ensure port management is provided the necessary resources to
 27 address the influx of unaccompanied alien children, family units, or other alien
 28 populations expressing fear of returning to Mexico or country of origin and minimize

the impact to legitimate trade and travel.” Ex. 43 at 122. Defendants argue that it must meter individuals due to the “significant surge in the number of inadmissible aliens arriving at land ports of entry along the southwest border.” Gov’t Br. at 5. But at the Brownsville POE at the very least, as far back as August 31, 2017, Defendants had a reasonable system to deal with an influx of asylum seekers that increased the daily holding capacity of the POE from 137 persons to 300 persons. Ex. 43 at 123, 134-35. Defendants chose not to utilize this additional capacity. Instead, recently produced Queue Management Reports for the Laredo Field Office show that it was forcing individuals to wait at the limit line when less than 50% of the port’s daily holding capacity was being utilized and ports reported the flow of migrants was not impacting port operations. See, e.g., Rep. Ex. 1 (4 metered at boundary line while Brownsville port was at 33% capacity; 36 metered at boundary line while Laredo port was at 37% capacity, and no impact to these ports’ operations); Rep. Ex. 2-4 (similar).³

Second, Defendants argue that a January 22, 2019 and February 22, 2019 Queue Management Report show that the total number of asylum seekers at ports of entry was increasing year over year.⁴ Gov’t Br. at 14-15. But these documents show

³ Ongoing discovery will shed further light on the meaning of each column in CBP’s Queue Management Reports and Migrant Crisis Action Team (“MCAT”) Reports. For example, Plaintiffs suspect that “Number in Queue @ Boundary Line,” *see, e.g.*, Rep. Ex. 1, refers only to individuals physically present at the international boundary, and does not account for the much larger number of people previously metered whose names are on waitlists from which CBP calls names or numbers to be inspected at a POE on a given day. Plaintiffs also suspect that “% of Capacity,” *see id.*, refers to capacity when the contingency plan is not in effect, rather than the much higher capacity available during utilization of the contingency plan. Moreover, Defendants’ confusion regarding the chart on page 16 of Plaintiffs’ opening motion is, itself, perplexing. Plaintiffs’ chart compares the number of asylum seekers processed at the Brownsville port of entry each day according to CBP’s own Migration Crisis Action Team (“MCAT”) Reports to the Brownsville port’s stated maximum capacity. *Compare* Ex. 42 at 014 (22 noncitizens in custody at Brownsville POE on January 22, 2019) *and* Rep. Exs. 1-6 *with* Ex. 43 at 135 (POE could process 300 noncitizens per day).

⁴ Defendants argue that these reports do not, as a whole, show a “cut” in the total number of asylum seekers processed compared to the same month the prior year. Given Defendants’ clarification of the meaning of the “FY 2018” column heading,

1 that regardless of the total number of asylum seekers processed, CBP was using far
 2 less than its total daily holding capacity. *See* Ex. 42 at 12012-13 (CBP using 27% of
 3 total holding capacity); Gov't Ex. 8 at AOL-DEF-00012241 (CBP using 54% of total
 4 holding capacity). The Migration Crisis Action Team ("MCAT") reports tell the
 5 same story. *See, e.g.*, Rep. Ex. 5 at 336 (March 6, 2019: 38%); Rep Ex. 6 at 410
 6 (March 14, 2019: 57%). Therefore, these documents show, on a border-wide basis,
 7 that Defendants' capacity excuse is bogus and the metering policy is pretextual.

8 Third, Defendants argue that CBP's increased funding and staffing are
 9 irrelevant because a Senate report stated that these funds and personnel would be
 10 used to interdict opioids. Gov't Br. at 16. Not true. Defendants' own exhibit makes
 11 clear that the increased funds and front-line personnel also addressed the number of
 12 asylum seekers at ports of entry because "Port Officers . . . are also responsible for
 13 conducting admissibility interviews." Gov't Ex. 1 at 13.

14 Fourth, Defendants attempt to minimize the statements of Jud Murdock and
 15 President Trump, suggesting they were either not linked directly to the metering
 16 policy or merely describe a salutary policy of efficiently managing port resources.
 17 Gov't Br. at 14.⁵ Not so. These statements were made contemporaneous to CBP's
 18 implementation of the metering policy and describe Defendants' deterrence motive
 19 in vivid terms. The Court has already acknowledged the relevance and temporal
 20 scope of these comments in its motion to dismiss opinion. *See* Dkt. 280 at 10-11.
 21 Defendants' stilted reading of Acting Assistant Commissioner Murdock's statement
 22 is particularly telling. In a Congressional briefing where he represented CBP, Mr.
 23 Murdock said "[t]he more we process, the more will come" when describing why

24 _____
 25 Gov't Br. at 15 n.3, Plaintiffs concede that appears to be true, but it misses the point.
 26 These reports strongly support Plaintiffs' argument that Defendants operate well
 27 below capacity and therefore their "explanation of metering is pretextual." Op. Br.
 28 at 16. CBP's own data also demonstrates that in general, CBP has been inspecting
 and processing fewer asylum seekers per month since metering was implemented
 border-wide. Op. Br. at 17-18; Ex. 23 ¶ 6.

⁵ Defendants entirely ignore the statements Plaintiffs quoted from the President's
 senior policy advisor, Stephen Miller.

1 “DHS had chosen to limit processing to 100 asylum seekers per day at the San Ysidro
2 [POE].” Ex. 35 at 1. Defendants inaccurately claim that the statement was “offered
3 without any context.” But Mr. Murdock plainly stated that Defendants are metering
4 in order to deter, notwithstanding Defendants’ post hoc effort to recharacterize his
5 words.

6 Fifth, Defendants attempt to re-write the September 2018 and September
7 2019 OIG reports. Defendants claim that the fact that ports of entry have excess
8 capacity while metering is occurring is evidence that “metering is working.” Gov’t
9 Br. at 17. But this is inconsistent with the sworn testimony of Randy Howe, who
10 claims that metering is implemented only when a port of entry does not have
11 “sufficient capacity to conduct . . . inspections, as well as capacity to temporarily
12 hold [asylum seekers].” Gov’t Ex. 7 ¶ 2. It cannot be true that metering is
13 implemented only when a port is at or near capacity when OIG observed ports with
14 excess capacity engaging in metering. In response to Defendants’ emphasis on
15 OIG’s failure to “corroborate that CBP managers issued a specific instruction to
16 Tecate Port personnel . . . to start returning and redirecting asylum seekers,” the
17 September 2019 report documents that a whistleblower reported such an instruction,
18 that turnbacks did happen during the relevant time period, and that “some witnesses
19 may have chosen to be less than forthcoming regarding a practice most witnesses
20 acknowledged as improper.” Dkt. 300-2 at 8-9 & n.9. Moreover, Defendants draw
21 the lesson that CBP can police itself from the fact that OIG determined that CBP
22 officers at the Tecate POE were violating federal immigration law by turning asylum
23 seekers back to Mexico. That is not true. Despite noting rampant illegality at the
24 Tecate POE, the September 2019 OIG report “contains no recommendations” for
25 fixing the problem. Dkt. 300-2 at 4. Any such recommendations would be
26 unenforceable, in any case. This is not a problem that can be solved with a few
27 sternly worded memos.

28 Sixth, Defendants claim that “‘throughput,’ or the rate at which third-parties

1 transport mandatory detainees from ports to longer-term detention,” is “the single
 2 biggest factor” causing the supposedly dire need for metering. Gov’t Br. at 18. But
 3 as explained above, Defendants’ own documents belie their claim that “[i]f other
 4 agencies do not move people from the ports, then OFO will remain at or near
 5 capacity.” *Id.* Nor can Defendants blame metering on “third-party” delays in
 6 transfers of asylum seekers to ICE or HHS custody on the theory that a statute
 7 prohibits their release. Defendants fail to mention that they themselves control
 8 whether an asylum seeker at a POE is placed in expedited removal and allegedly
 9 subject to mandatory detention under § 1225(b)(1)(B)(ii), or alternatively, is placed
 10 in full removal proceedings under 8 U.S.C. § 1229a and generally not subject to
 11 mandatory detention. *Flores v. Barr*, 934 F.3d 910, 916-17 (9th Cir. 2019) (“The
 12 government has discretion to place noncitizens in standard removal proceedings
 13 even if the expedited removal statute could be applied to them[,] . . . [thereby]
 14 avoiding any mandatory detention allegedly required for expedited removal.”
 15 (citation omitted)).⁶

16 **B. Plaintiffs Easily Satisfy the Irreparable Harm, Balance of Equities**
 17 **and Public Interest Requirements**

18 Defendants fail to contend with the primary harm asserted by Plaintiffs: *but*
 19 *for* Defendants’ metering policy, provisional class members would have been
 20 processed for asylum prior to the effective date of the Asylum Ban. Instead of
 21 addressing this irreparable harm, Defendants argue that the implementation of a
 22 preliminary injunction would result in a “crushing burden on government agencies
 23

24 ⁶ Defendant’s invocation of asylum seekers’ need for sanitary conditions is
 25 particularly disingenuous. Gov’t Br. at 18-19. Defendants raise this excuse when
 26 convenient in service of their efforts to send asylum seekers into harm’s way, but in
 27 other contexts, they disavow any understanding of what “sanitary” conditions even
 28 include. *See Flores*, 934 F.3d at 915 (noting the Government’s argument that the
 term “safe and sanitary” is so vague as to be unenforceable and that “requir[ing] that
 Border Patrol stations provide the most basic human necessities—accommodations
 that allow for adequate sleep, essential hygiene items, and adequate, clean food and
 water” does not fall within the plain meaning of “safe and sanitary”).

not a part of this litigation” of determining which asylum applicants had been metered and which had not. Gov’t Br. at 22. Any burden is of Defendants’ own making, a fact that tips the balance of the equities sharply in Plaintiffs’ favor. *Cf. Bailey v. Pataki*, 708 F.3d 391, 403 (2d Cir. 2013) (finding that where “any exceptional burden that the State faced was of its own making” that factor should not work in the government’s favor). Defendants state that “CBP does not maintain records of who has been metered” and yet asserts that it cannot rely on the waitlists or records from migrant shelters listing those who have been metered. Gov’t Br. at 22. This position is nonsensical given that CBP relies on these very same lists for the day-to-day operation of Defendants’ metering policy. *See* Dkt. 293, Ex. 26 at ¶ 7 (“CBP communicates its daily capacity to Grupo Beta, which uses that information to call the appropriate numbers from the top of the list. Grupo Beta then loads the asylum seekers into vans and transports them to CBP for processing.”).

Further, Defendants assert harms related to an injunction of the Asylum Ban, the legality of which Plaintiffs have not challenged, as explained *infra*. If, as Plaintiffs assert, provisional class members have been unlawfully metered, then Defendants denied them the statutory process due to them when they first presented themselves at the border. Rectifying this statutory violation is in the public interest.

Moreover, Defendants rely on distinguishable cases to suggest that provisional class members’ harm should be balanced against an injunction’s purported interference with foreign affairs and the public interest in “‘prevent[ion]’ [of] irregular migration at the southern border.” Gov’t Br. at 21-22. In Defendants’ cited cases, plaintiffs either sought to support organizations designated as foreign terrorist organizations or were suspected of smuggling migrants into the United States. *See United States v. Cortez*, 449 U.S. 411, 413-15 (1981); *Holder v. Humanitarian Law Project*, 561 U.S. 1, 10 (2010). Here, provisional class members are migrants lawfully seeking to access the U.S. asylum process. As to asylum seekers, the Supreme Court is clear that it is in the public interest to “prevent[]

[noncitizens] from being wrongfully removed, particularly to countries where they are likely to face substantial harm.” *Nken v. Holder*, 556 U.S. 418, 436 (2009). The removal of any provisional class member following a denial of asylum based on the Asylum Ban will be “wrongful” because the individual will never have had access to the asylum process as it existed when she first presented herself at the southern border.⁷ And if not removed despite application of the Asylum Ban, she will have had to sustain a much higher burden of proof for the lesser forms of relief that remain available. The availability of these lesser forms of relief does not negate the irreparable harm of being denied access to the asylum process, to which provisional class members would have had meaningful access but for Defendants’ unlawful metering policy. Therefore, the balance of the equities and the public interest favor the provisional class members.

III. THIS COURT HAS JURISDICTION

Defendants erroneously contend that various provisions of 8 U.S.C. § 1252 foreclose this Court’s jurisdiction to grant the requested injunction. Their arguments are rooted in a fundamental misunderstanding of the purpose of Plaintiffs’ motion, which is to preserve meaningful access to the asylum *process* for provisional class members, rather than challenging a particular outcome in an individual case.

Section 1252(a)(2)(A): Section 1252(a)(2)(A), which limits review of certain matters related to expedited removal, is inapplicable because Plaintiffs do not challenge Defendants’ discretion to put provisional class members into expedited removal or any findings specific to their cases.

Section 1252(a)(2)(A)(ii) bars review of Defendants’ decision to invoke the INA’s expedited removal provisions. However, Plaintiffs take no position on whether provisional class members should be put into expedited removal, or instead

⁷ As Plaintiffs’ previously explained, nearly all provisional class members are barred from obtaining asylum in Mexico, and their likelihood of obtaining a waiver of the 30-day bar is virtually nil. Op. Br. at 12.

placed directly into regular removal proceedings or paroled into the United States, *see* SAC at ¶ 205. Defendants’ ultimate decision about *how* to process provisional class members has no bearing on its decision about *whether* these individuals can access the statutory process they were entitled to when Defendants metered them.

Sections 1252(a)(2)(A)(i) and (iii) preclude judicial review of credible fear determinations and expedited removal orders *in individual cases*, as well as claims “arising from or relating to the implementation or operation” of such orders. But Plaintiffs do not challenge any individual substantive decisions concerning the merits of an individual’s asylum claim. For those provisional class members whom Defendants opt to put into expedited removal, Plaintiffs’ principal concern is to preserve the opportunity to have their asylum claims adjudicated on the merits—which would have been available had they not been illegally metered. Otherwise, provisional class members will automatically receive negative credible fear determinations regardless of the credibility of their fear or the seriousness of their anticipated harm. *See* Gov’t Br. at 3.

Finally, section 1252(a)(2)(A)(iv) bars judicial review of policies and procedures adopted to implement 8 U.S.C. § 1225(b)(1). Here, Plaintiffs challenge only Defendants’ metering policy, which is distinct from their decisions about whether to invoke section 1225(b)(1) in a particular case. Plaintiffs do not seek judicial review of the legality of the Asylum Ban’s expedited review provisions. Section 1252(a)(2)(A)(iv) is thus irrelevant.

Section 1252(e): This provision specifies the limited circumstances under which a court may grant equitable relief “in any action pertaining to an order to exclude an alien in accordance with section 1225(b)(1).” 8 U.S.C. § 1252(e)(1)(A). As previously noted, this action seeks only to rectify the adverse impact of Defendants’ metering policy on Plaintiffs’ meaningful access to the asylum process. Plaintiffs do not seek review of individual expedited removal orders or challenge the “validity of” the expedited removal “system.” 8 U.S.C. § 1252(e)(3). Thus, neither

the jurisdictional limitations in sections 1252(e)(2) and (e)(3) nor the prohibition on class actions relating to expedited removal orders in section 1252(e)(1)(B) have any bearing on this motion.

Section 1252(f)(1): As Defendants note, 8 U.S.C. § 1252(f)(1) “prohibits federal courts from granting classwide injunctive relief *against the operation of §§ 1221-123[2]*.” *Jennings v. Rodriguez*, 138 S. Ct. 830, 851 (2018) (emphasis added) (internal citation and quotation omitted).⁸ Plaintiffs do not seek an order from this Court enjoining or restraining any of those statutory provisions, but rather an order “to enjoin conduct . . . not authorized by the statutes.” *See id.* (internal citation omitted); *Rodriguez v. Hayes*, 591 F.3d 1105, 1120 (9th Cir. 2010).⁹ Specifically, Plaintiffs seek to preserve provisional class members’ meaningful access to the asylum process despite the Ban—which would not have affected them absent Defendants’ metering policy. Section 1252(f)(1) therefore “poses no bar.” *Grace v. Whitaker*, 344 F. Supp. 3d 96, 143 (D.D.C. 2018); *see Rodriguez*, 80 F. Supp. 3d at 1120 (holding section 1252(f) does not limit a court’s ability to enjoin a violation of the INA).

Section 1252(b)(9): This section bars judicial review only where a legal question “arise[s] from” a noncitizen’s removal proceedings under 8 U.S.C. § 1229a. *See Jennings*, 138 S. Ct. at 841 n.3 (2018) (plurality opinion). Section 1252(b)(9) does not apply to “claims that are independent of or collateral to the removal process.” *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1032 (9th Cir. 2016); *accord Jennings*, 138 S. Ct. at 841 (affirming that (b)(9) covers only challenges to a removal order, the decision to detain or seek removal, or the process by which removability will be

⁸ Defendants do not contend that Section 1252(f)(1) bars this Court’s ability to enter a declaratory judgment, nor could they. *See Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir. 2018) (Section 1252(f)(1) “does not affect classwide declaratory relief”).

⁹ *See also Padilla v. ICE*, 354 F. Supp. 3d 1218 (W.D. Wash. 2018); *Damus v. Nielsen*, 313 F. Supp. 3d 317, 328 (D.D.C. 2018); *R.I.L.-R v. Johnson*, 80 F. Supp. 3d 164, 184; *Abdi v. Duke*, 280 F. Supp. 3d 373, 409 (W.D.N.Y. 2017).

decided). The issues here do not “arise from” removal proceedings, but rather from Defendants’ unlawful metering policy.

Section 1252(a)(5): This section, which bars “judicial review of an order of removal,” is likewise inapplicable. Plaintiffs’ motion seeks only to preserve provisional class members’ access to the statutory process providing for consideration of their asylum claims on the merits, not to affect the outcome of that process—which may or may not result in a removal order.

For the foregoing reasons, the jurisdictional bars in 8 U.S.C. § 1252 do not apply in this case.¹⁰ This Court must resolve any remaining doubts and ambiguities in favor of jurisdiction. *See Arce v. United States*, 899 F.3d 796, 801 (9th Cir. 2018) (per curiam).

CONCLUSION

For the foregoing reasons, Plaintiffs’ motion should be granted.

Dated: October 17, 2019

MAYER BROWN LLP
Matthew H. Marmolejo
Ori Lev
Stephen S. Medlock

SOUTHERN POVERTY LAW
CENTER
Melissa Crow
Sarah Rich
Rebecca Cassler

CENTER FOR CONSTITUTIONAL
RIGHTS
Baher Azmy
Ghita Schwarz
Angelo Guisado

¹⁰ Where § 1252 bars judicial review, this includes actions brought under the AWA. The fact that the statute explicitly mentions 28 U.S.C. 1651 as one type of “judicial review” is irrelevant because no provision of § 1252 bars judicial review in this instance.

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AMERICAN IMMIGRATION
COUNCIL
Karolina Walters

By: /s/ Stephen M. Medlock
Stephen M. Medlock

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that I caused a copy of the foregoing document to be served on all counsel via the Court's CM/ECF system.

Dated: October 17, 2019

MAYER BROWN LLP

By /s/ Stephen M. Medlock

1 MAYER BROWN LLP
 Matthew H. Marmolejo (CA Bar No. 242964)
 2 *mmarmolejo@mayerbrown.com*
 350 S. Grand Avenue
 25th Floor
 Los Angeles, CA 90071-1503
 4 Ori Lev (DC Bar No. 452565)
 (*pro hac vice*)
 5 *olev@mayerbrown.com*
 Stephen M. Medlock (VA Bar No. 78819)
 6 (*pro hac vice*)
smedlock@mayerbrown.com
 7 1999 K Street, N.W.
 Washington, D.C. 20006
 8 Telephone: +1.202.263.3000
 Facsimile: +1.202.263.3300
 9

10 SOUTHERN POVERTY LAW CENTER
 Melissa Crow (DC Bar No. 453487)
 (*pro hac vice*)
 11 *melissa.crow@splcenter.org*
 1101 17th Street, N.W., Suite 705
 Washington, D.C. 20036
 12 Telephone: +1.202.355.4471
 13 Facsimile: +1.404.221.5857

14 *Additional counsel listed on next page*
 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Kevin K. McAleenan,¹ *et al.*,

22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

EXHIBIT 1 TO PLAINTIFFS'
REPLY IN SUPPORT OF THEIR
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1 CENTER FOR CONSTITUTIONAL RIGHTS

Baher Azmy (NY Bar No. 2860740) (*pro hac vice*)

2 *bazmy@ccrjustice.org*

Ghita Schwarz (NY Bar No. 3030087) (*pro hac vice*)

3 *gschwarz@ccrjustice.org*

Angelo Guisado (NY Bar No. 5182688) (*pro hac vice*)

4 *aguisado@ccrjustice.org*

666 Broadway, 7th Floor

5 New York, NY 10012

Telephone: +1.212.614.6464

6 Facsimile: +1.212.614.6499

7 SOUTHERN POVERTY LAW CENTER

Mary Bauer (VA Bar No. 31388) (*pro hac vice*)

8 *mary.bauer@splcenter.org*

1000 Preston Ave.

9 Charlottesville, VA

Sarah Rich (GA Bar No. 281985) (*pro hac vice*)

10 *sarah.rich@splcenter.org*

Rebecca Cassler (MN Bar No. 0398309) (*pro hac vice*)

11 *rebecca.cassler@splcenter.org*

150 E. Ponce de Leon Ave., Suite 340

12 Decatur, GA 30030

13 AMERICAN IMMIGRATION COUNCIL

Karolina Walters (DC Bar No. 1049113) (*pro hac vice*)

14 *kwalters@immcouncil.org*

1331 G St. NW, Suite 200

15 Washington, D.C. 20005

Telephone: +1.202.507.7523

16 Facsimile: +1.202.742.561

17

18

19

20

21

22

23

24

25

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27

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From: FLORES, MARIBEL on behalf of LAREDO OPS CENTER

Sent: Saturday, February 2, 2019 1:56 PM

To: LAREDO OPS CENTER; HOWE, RANDY J; CAMPBELL, CARL S; DRAGANAC, JOSEPH; HIGGERS, DAVID P; CBP-MCAT-TEAM; SKINNER, BRADD M.
CC: HARRIS, RODNEY H; GUERRA, ADRIAN C; DOVALINA, MUCIA C; FLORES, LILIANA; GALLEGOS, MARIA; CALDERON, GEORGE G; GARCIA, ENRIQUE A
Subject: LFO Queue Management Report for February 2, 2019

ALCON,

Attached is the Laredo Field Office - Queue Management Report for February 2, 2019, @ 1000 hours CST.

Report Date: February 2, 2019 @ 1000 Hrs CST								
Field Office	Port	Total number of Detainees	% of CF Migrant Capacity	Number in Queue @ Boundary Line	Minors Detained	Minors Processed	Minors Medically Screened	Impact to Port Operations
Laredo	Brownsville	23	33%	4	7	7	7	None
Laredo	Progreso	0	0%	0	0	0	0	None
Laredo	Hidalgo	23	55%	0	3	0	3	None
Laredo	Rio Grande City	0	0%	0	0	0	0	None
Laredo	Rom	4	25%	0	2	2	2	None
Laredo	Laredo	46	37%	36	2	2	2	No Impact to Port Operations
Laredo	Eagle Pass	3	21%	0	0	0	0	The number of Credible Fear applicants being processed affects the Port's Operational Capacity.
Laredo	Del Rio	7	25%	0	1	0	0	None

Respectfully,

Maribel Flores

Customs and Border Protection Officer
 Laredo Field Office | Laredo Operations Center
 109 Shloh Dr., Suite 300 | Laredo, TX 78045
 Office (956) 753-1756
Maribel.Flores@cbp.dhs.gov



Report Smuggling Activities at ReportSmuggling@cbp.dhs.gov

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Confidential

AOL-DEF-00038929

ER 00790

1 MAYER BROWN LLP
 Matthew H. Marmolejo (CA Bar No. 242964)
 2 *mmarmolejo@mayerbrown.com*
 350 S. Grand Avenue
 3 25th Floor
 Los Angeles, CA 90071-1503
 4 Ori Lev (DC Bar No. 452565)
 (*pro hac vice*)
 5 *olev@mayerbrown.com*
 Stephen M. Medlock (VA Bar No. 78819)
 6 (*pro hac vice*)
smedlock@mayerbrown.com
 7 1999 K Street, N.W.
 Washington, D.C. 20006
 8 Telephone: +1.202.263.3000
 Facsimile: +1.202.263.3300
 9

10 SOUTHERN POVERTY LAW CENTER
 Melissa Crow (DC Bar No. 453487)
 (*pro hac vice*)
 11 *melissa.crow@splcenter.org*
 1101 17th Street, N.W., Suite 705
 12 Washington, D.C. 20036
 Telephone: +1.202.355.4471
 13 Facsimile: +1.404.221.5857

14 *Additional counsel listed on next page*
 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Kevin K. McAleenan,¹ *et al.*,

22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

EXHIBIT 2 TO PLAINTIFFS'
REPLY IN SUPPORT OF THEIR
MOTION FOR PRELIMINARY
INJUNCTION

FILED UNDER SEAL

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1 CENTER FOR CONSTITUTIONAL RIGHTS

Baher Azmy (NY Bar No. 2860740) (*pro hac vice*)

2 *bazmy@ccrjustice.org*

Ghita Schwarz (NY Bar No. 3030087) (*pro hac vice*)

3 *gschwarz@ccrjustice.org*

Angelo Guisado (NY Bar No. 5182688) (*pro hac vice*)

4 *aguisado@ccrjustice.org*

666 Broadway, 7th Floor

5 New York, NY 10012

Telephone: +1.212.614.6464

6 Facsimile: +1.212.614.6499

7 SOUTHERN POVERTY LAW CENTER

Mary Bauer (VA Bar No. 31388) (*pro hac vice*)

8 *mary.bauer@splcenter.org*

1000 Preston Ave.

9 Charlottesville, VA

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10 *sarah.rich@splcenter.org*

Rebecca Cassler (MN Bar No. 0398309) (*pro hac vice*)

11 *rebecca.cassler@splcenter.org*

150 E. Ponce de Leon Ave., Suite 340

12 Decatur, GA 30030

13 AMERICAN IMMIGRATION COUNCIL

Karolina Walters (DC Bar No. 1049113) (*pro hac vice*)

14 *kwalters@immcouncil.org*

1331 G St. NW, Suite 200

15 Washington, D.C. 20005

Telephone: +1.202.507.7523

16 Facsimile: +1.202.742.561

From: CAMARILLO, ERIKA D on behalf of LAREDO OPS CENTER

Sent: Friday, December 21, 2018 1:58 PM

To: LAREDO OPS CENTER; HOWE, RANDY J; CAMPBELL, CARL S; DRAGANAC, JOSEPH; HIGGERS, DAVID P; CBP-MCAT-TEAM; SKINNER, BRADD M.

CC: HARRIS, RODNEY H; GUERRA, ADRIAN C; DOVALINA, MUCIA C; FLORES1, LILIANA; LONGORIA, FRANK S; GALLEGOS, MARIA; CALDERON, GEORGE G; GARCIA, ENRIQUE A

Subject: LFO Queue Management Report for December 21, 2018 @ 1000 hours CST.

ALCON,

Attached is the Laredo Field Office - Queue Management Report for December 21, 2018 @ 1000 hours CST.

Field Office	Port	Total number of Detainees	% of Capacity	Number in Queue @ Boundary Line	Impact to Port Operations
Laredo	Brownsville	14	20%	34	None
Laredo	Progreso	2	12%	0	None
Laredo	Hidalgo	19	45%	0	None
Laredo	Rio Grande City	0	0%	0	None
Laredo	Roma	2	13%	0	Queue Management Staffing Overtime.
Laredo	Laredo	54	43%	32	No impact to operations.
Laredo	Eagle Pass	9	64%	0	The number of Credible Fear applicants being processed affects the Port's Operational Capacity.
Laredo	Del Rio	4	25%	17	None

Respectfully,

Erika D. Camarillo

CBP Officer

Erika.d.camarillo@cbp.dhs.gov

Laredo Field Office

Desk: (956)753-1722 / (956)753-1795



Report Smuggling Activities at ReportSmuggling@cbp.dhs.gov

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1 MAYER BROWN LLP
 Matthew H. Marmolejo (CA Bar No. 242964)
 2 *mmarmolejo@mayerbrown.com*
 350 S. Grand Avenue
 25th Floor
 Los Angeles, CA 90071-1503
 4 Ori Lev (DC Bar No. 452565)
 (*pro hac vice*)
 5 *olev@mayerbrown.com*
 Stephen M. Medlock (VA Bar No. 78819)
 6 (*pro hac vice*)
smedlock@mayerbrown.com
 7 1999 K Street, N.W.
 Washington, D.C. 20006
 8 Telephone: +1.202.263.3000
 Facsimile: +1.202.263.3300
 9

10 SOUTHERN POVERTY LAW CENTER
 Melissa Crow (DC Bar No. 453487)
 (*pro hac vice*)
 11 *melissa.crow@splcenter.org*
 1101 17th Street, N.W., Suite 705
 Washington, D.C. 20036
 12 Telephone: +1.202.355.4471
 13 Facsimile: +1.404.221.5857

14 *Additional counsel listed on next page*
 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

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21 Kevin K. McAleenan,¹ *et al.*,

22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

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2 *bazmy@ccrjustice.org*

Ghita Schwarz (NY Bar No. 3030087) (*pro hac vice*)

3 *gschwarz@ccrjustice.org*

Angelo Guisado (NY Bar No. 5182688) (*pro hac vice*)

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666 Broadway, 7th Floor

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Mary Bauer (VA Bar No. 31388) (*pro hac vice*)

8 *mary.bauer@splcenter.org*

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10 *sarah.rich@splcenter.org*

Rebecca Cassler (MN Bar No. 0398309) (*pro hac vice*)

11 *rebecca.cassler@splcenter.org*

150 E. Ponce de Leon Ave., Suite 340

12 Decatur, GA 30030

13 AMERICAN IMMIGRATION COUNCIL

Karolina Walters (DC Bar No. 1049113) (*pro hac vice*)

14 *kwalters@immcouncil.org*

1331 G St. NW, Suite 200

15 Washington, D.C. 20005

Telephone: +1.202.507.7523

16 Facsimile: +1.202.742.561

From: FLORES, MARIBEL on behalf of LAREDO OPS CENTER

Sent: Thursday, December 20, 2018 1:43 PM

To: LAREDO OPS CENTER; HOWE, RANDY J; CAMPBELL, CARL S; DRAGANAC, JOSEPH; HIGGERSON, DAVID P; CBP-MCAT-TEAM; SKINNER, BRADD M.

CC: HARRIS, RODNEY H; GUERRA, ADRIAN C; DOVALINA, MUCIA C; FLORES I, LILIANA; GALLEGOS, MARIA; CALDERON, GEORGE G; GARCIA, ENRIQUE A; EVERSON, ERIC J.; BLANKS, LISSETTE

Subject: LFO Queue Management Report for December 20, 2018

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Report Date: December 20, 2018 @ 1000 Hrs CST					
Field Office	Port	Total number of Detainees	% of Capacity	Number in Queue @ Boundary Line	Impact to Port Operations
Laredo	Brownsville	19	28%	10	None
Laredo	Progreso	2	12%	0	None
Laredo	Hidalgo	20	48%	0	None
Laredo	Rio Grande City	0	0%	0	None
Laredo	Roma	2	13%	0	Queue Management Staffing Overtime.
Laredo	Laredo	25	20%	36	No impact to operations.
Laredo	Eagle Pass	13	93%	6	The number of Credible Fear applicants being processed affects the Port's Operational Capacity.
Laredo	Del Rio	6	38%	20	None

Respectfully,

Maribel Flores

Customs and Border Protection Officer

Laredo Field Office | Laredo Operations Center

109 Shiloh Dr., Suite 300 | Laredo, TX 78045

Office (956) 753-1756

Maribel.Flores@cbp.dhs.gov



Report Smuggling Activities at ReportSmuggling@cbp.dhs.gov

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1 MAYER BROWN LLP
 Matthew H. Marmolejo (CA Bar No. 242964)
 2 *mmarmolejo@mayerbrown.com*
 350 S. Grand Avenue
 25th Floor
 Los Angeles, CA 90071-1503
 Ori Lev (DC Bar No. 452565)
 (*pro hac vice*)
 5 *olev@mayerbrown.com*
 Stephen M. Medlock (VA Bar No. 78819)
 (*pro hac vice*)
 6 *smedlock@mayerbrown.com*
 1999 K Street, N.W.
 Washington, D.C. 20006
 Telephone: +1.202.263.3000
 Facsimile: +1.202.263.3300

9 SOUTHERN POVERTY LAW CENTER
 10 Melissa Crow (DC Bar No. 453487)
 (*pro hac vice*)
 11 *melissa.crow@splcenter.org*
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 Washington, D.C. 20036
 Telephone: +1.202.355.4471
 13 Facsimile: +1.404.221.5857

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Case No.: 17-cv-02366-BAS-KSC

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2 *bazmy@ccrjustice.org*

Ghita Schwarz (NY Bar No. 3030087) (*pro hac vice*)

3 *gschwarz@ccrjustice.org*

Angelo Guisado (NY Bar No. 5182688) (*pro hac vice*)

4 *aguisado@ccrjustice.org*

666 Broadway, 7th Floor

5 New York, NY 10012

Telephone: +1.212.614.6464

6 Facsimile: +1.212.614.6499

7 SOUTHERN POVERTY LAW CENTER

Mary Bauer (VA Bar No. 31388) (*pro hac vice*)

8 *mary.bauer@splcenter.org*

1000 Preston Ave.

9 Charlottesville, VA

Sarah Rich (GA Bar No. 281985) (*pro hac vice*)

10 *sarah.rich@splcenter.org*

Rebecca Cassler (MN Bar No. 0398309) (*pro hac vice*)

11 *rebecca.cassler@splcenter.org*

150 E. Ponce de Leon Ave., Suite 340

12 Decatur, GA 30030

13 AMERICAN IMMIGRATION COUNCIL

Karolina Walters (DC Bar No. 1049113) (*pro hac vice*)

14 *kwalters@immcouncil.org*

1331 G St. NW, Suite 200

15 Washington, D.C. 20005

Telephone: +1.202.507.7523

16 Facsimile: +1.202.742.561

From: DOMINGUEZ, ADRIAN NMI on behalf of LAREDO OPS CENTER

Sent: Wednesday, December 19, 2018 1:36 PM

To: LAREDO OPS CENTER; HOWE, RANDY J; CAMPBELL, CARL S; DRAGANAC, JOSEPH; HIGGERSON, DAVID P; CBP-MCAT-TEAM; SKINNER, BRADD M.

CC: HARRIS, RODNEY H; GUERRA, ADRIAN C; DOVALINA, MUCIA C; FLORES1, LILIANA; GALLEGOS, MARIA; CALDERON, GEORGE G; GARCIA, ENRIQUE A; EVERSON, ERIC J; BLANKS, LISSETTE

Subject: LFO Queue Management Report for December 19, 2018

Attachments: 12192018 LFO Queue Management Report.xlsx

ALCON,

Attached is the Laredo Field Office - Queue Management Report for December 19, 2018 @ 1000 hours CST.

Report Date: December 19, 2018 @ 1000 Hrs CST					
Field Office	Port	Total number of Detainees	% of Capacity	Number in Queue @ Boundary	Impact to Port Operations
Laredo	Brownsville	13	19%	4	None
Laredo	Progreso	0	0%	0	None
Laredo	Hidalgo	10	24%	0	None
Laredo	Rio Grande City	0	0%	0	None
Laredo	Roma	1	6%	0	Queue Management Staffing Overtime.
Laredo	Laredo	27	22%	30	No impact to operations.
Laredo	Eagle Pass	24	171%	0	The number of Credible Fear applicants being processed affects the Port's Operational Capacity.
Laredo	Del Rio	4	25%	12	None

Respectfully,

Adrian Dominguez

CBP Officer

Adrian.nmi.Dominguez@cbp.dhs.gov

Laredo Field Office

Desk: (956)753-1708 / (956)753-1795



Report Smuggling Activities at ReportSmuggling@cbp.dhs.gov

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1 MAYER BROWN LLP
 Matthew H. Marmolejo (CA Bar No. 242964)
 2 *mmarmolejo@mayerbrown.com*
 350 S. Grand Avenue
 25th Floor
 Los Angeles, CA 90071-1503
 4 Ori Lev (DC Bar No. 452565)
 (*pro hac vice*)
 5 *olev@mayerbrown.com*
 Stephen M. Medlock (VA Bar No. 78819)
 6 (*pro hac vice*)
smedlock@mayerbrown.com
 7 1999 K Street, N.W.
 Washington, D.C. 20006
 8 Telephone: +1.202.263.3000
 Facsimile: +1.202.263.3300
 9

10 SOUTHERN POVERTY LAW CENTER
 Melissa Crow (DC Bar No. 453487)
 (*pro hac vice*)
 11 *melissa.crow@splcenter.org*
 1101 17th Street, N.W., Suite 705
 Washington, D.C. 20036
 12 Telephone: +1.202.355.4471
 13 Facsimile: +1.404.221.5857

14 *Additional counsel listed on next page*
 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Kevin K. McAleenan,¹ *et al.*,

22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

EXHIBIT 5 TO PLAINTIFFS'
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2 *bazmy@ccrjustice.org*

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3 *gschwarz@ccrjustice.org*

Angelo Guisado (NY Bar No. 5182688) (*pro hac vice*)

4 *aguisado@ccrjustice.org*

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12 Decatur, GA 30030

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Karolina Walters (DC Bar No. 1049113) (*pro hac vice*)

14 *kwalters@immcouncil.org*

1331 G St. NW, Suite 200

15 Washington, D.C. 20005

Telephone: +1.202.507.7523

16 Facsimile: +1.202.742.561

From: CBP-MCAT-TEAM
Sent: Wednesday, March 6, 2019 3:39 PM
Cc: CBP-MCAT-TEAM
Subject: Field Office Queue Management Report March 6, 2019
Attachments: Field Queue Management Report 3.6.19.pdf

Good Afternoon All,

Please see attached spreadsheet with updated numbers for each field office.

March 6, 2019											
Laredo Field Office											
Port of Entry	Total in Custody	% of Capacity	Do you have any UDAs in line waiting on the Mexico side? If yes, how many?	Are you directing UDAs to other Ports of Entry? If yes, which Port of Entry?	Total number of pedestrian traffic for FY19 YTD	Total number of pedestrian traffic for FY18	Number of asylum seekers processed the previous day	30 day average of asylum seekers processed	FY 2019 asylum seekers	FY 2018 asylum seekers	Number of aliens processed by ICE
Brownsville	20	29%	10	No.	1,280,869	3,020,375	31	9	1654	1945	31
Progreso	2	12%	11	Redirecting to Brownsville as necessary.	480,183	994,234	2	1	96	131	0
Hidalgo	25	60%	26	No.	990,643	2,519,926	34	18	2041	4255	8
Rio Grande	0	0%	0	Redirecting to Hidalgo as necessary.	16,220	53,122	0	0	100	195	0
Roma	5	31%	27	Redirecting to Hidalgo as necessary.	104,558	231,721	2	3	230	1061	2
Laredo	66	53%	0	No.	1,870,871	4,919,511	10	23	3333	5775	2
Eagle Pass	13	93%	25	No.	336,955	1,062,667	13	13	1546	1595	7
Del Rio	3	11%	0	No.	51,324	115,292	6	3	696	147	3
Total/Average	134	36%	99		5,131,823	12,916,850	96	70	10,198	15,104	50
Percentages compared to FY 2018					39.73%		67.52%				

El Paso Field Office											
Port of Entry	Total in Custody	% of Capacity	Do you have any UDAs in line waiting on the Mexico side? If yes, how many?	Are you directing UDAs to other Ports of Entry? If yes, which Port of Entry?	Total number of pedestrian traffic for FY19 YTD	Total number of pedestrian traffic for FY18	Number of asylum seekers processed the previous day	30 day average of asylum seekers processed	FY 2019 asylum seekers	FY 2018 asylum seekers	Number of aliens processed by ICE
Port of El Paso	113	98%	2080	No.	3,125,220	7,319,489	24	43	6479	1850	31
Santa Teresa	0	0%	0	No.	29,504	147,145	4	4	601	769	4
Columbus	0	0%	0	No.	113,844	282,686	0	0	97	33	4
Tornillo	7	8%	0	No.	17,203	38,438	0	2	92	32	6
Presidio	0	0%	0	No.	60,455	241,536	0	1	217	149	3
Total/Average	120	21%	2080		3,346,726	8,029,294	28	50	7486	6,833	61
Percentages compared to FY 2018					41.68%		109.56%				

Tucson Field Office											
Port of Entry	Total in Custody	% of Capacity	Do you have any UDAs in line waiting on the Mexico side? If yes, how many?	Are you directing UDAs to other Ports of Entry? If yes, which Port of Entry?	Total number of pedestrian traffic for FY19 YTD	Total number of pedestrian traffic for FY18	Number of asylum seekers processed the previous day	30 day average of asylum seekers processed	FY 2019 asylum seekers	FY 2018 asylum seekers	Num aliens up by ICE
Douglas	7	175%	0	No	375,105	820,518	10	5	525	202	
Lukeville	0	0%	0	No	19,489	69,884	0	0	14	16	
Naco	0	0%	0	No	10,909	53,574	0	0	19	4	
Nogales	35	69%	0	No	1,254,969	3,554,943	17	17	2995	2809	1
San Luis	13	65%	0	No	1,206,783	2,629,266	13	2	708	890	
Total/Average	55	62%	0		2,867,255	7,127,389	40	24	4,261	3,921	1
Percentages compared to FY 2018					48.21%				108.67%		

San Diego Field Office											
Port of Entry	Total in Custody	% of Capacity	Do you have any UDAs in line waiting on the Mexico side? If yes, how many?	Are you directing UDAs to other Ports of Entry? If yes, which Port of Entry?	Total number of pedestrian traffic for FY19 YTD	Total number of pedestrian traffic for FY18	Number of asylum seekers processed the previous day	30 day average of asylum seekers processed	FY 2019 asylum seekers	FY 2018 asylum seekers	Num aliens up by ICE
San Ysidro	229	76%	2640	No	4,194,033	3,981,830	66	44	8147	9820	5
Otay Mesa	0	0%	0	Referred to San Ysidro	1,311,031	3,717,617	0	1	200	581	0
Tecate	0	0%	0	Referred to San Ysidro	359,515	815,259	0	0	30	24	1
Calexico West	84	125%	340	No	1,716,198	4,388,192	0	6	1226	1719	2
Calexico East	0	0%	0	If encountered they will be referred to Calexico West	193,712	494,945	0	0	50	267	0
Andrade	0	0%	0	If encountered they will be referred to Calexico West	471,817	910,895	0	0	7	21	0
Total/Average	313	34%	2,980		8,448,306	19,304,738	66	51	9,660	12,432	7
Percentages compared to FY 2018					43.75%				77.70%		

OFO SWB											
Total/Average	622	38%	5,159		19,793,910	47,382,271	232	195	31,605	38,290	21
Percentages compared to FY 2018					41.77%				82.54%		

U.S. Customs and Border Protection
Migrant Crisis Action Team (M-CAT)

1 MAYER BROWN LLP
 Matthew H. Marmolejo (CA Bar No. 242964)
 2 *mmarmolejo@mayerbrown.com*
 350 S. Grand Avenue
 25th Floor
 Los Angeles, CA 90071-1503
 4 Ori Lev (DC Bar No. 452565)
 (*pro hac vice*)
 5 *olev@mayerbrown.com*
 Stephen M. Medlock (VA Bar No. 78819)
 6 (*pro hac vice*)
smedlock@mayerbrown.com
 7 1999 K Street, N.W.
 Washington, D.C. 20006
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 Facsimile: +1.202.263.3300
 9

10 SOUTHERN POVERTY LAW CENTER
 Melissa Crow (DC Bar No. 453487)
 (*pro hac vice*)
 11 *melissa.crow@splcenter.org*
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 12 Telephone: +1.202.355.4471
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14 *Additional counsel listed on next page*
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22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

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2 *bazmy@ccrjustice.org*

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13 AMERICAN IMMIGRATION COUNCIL

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14 *kwalters@immcouncil.org*

1331 G St. NW, Suite 200

15 Washington, D.C. 20005

Telephone: +1.202.507.7523

16 Facsimile: +1.202.742.561

March 14, 2019

Laredo Field Office

Port of Entry	Total in Custody	% of Capacity	Do you have any UDAs in line waiting on the Mexico side? If yes, how many?	Are you directing UDAs to other Ports of Entry? If yes, which Port of Entry?	Total number of pedestrian traffic for FY19 YTD.	Total number of pedestrian traffic for FY18.	Number of asylum seekers processed the previous day	30 day average of asylum seekers processed	FY 2019 asylum seekers	FY 2018 asylum seekers	Number of aliens picked up by ICE/ERO
Brownsville	24	35%	0	No.	1,346,819	3,020,375	15	9	1,732	1,946	19
Progreso	4	24%	9	Redirecting to Brownsville as necessary.	517,412	994,234	3	1	103	131	3
Hidalgo	53	126%	35	No.	1,040,091	2,519,926	36	18	2,227	4,255	25
Rio Grande	6	38%	2	Redirecting to Hidalgo as necessary.	17,198	53,122	0	0	104	195	0
Roma	3	19%	35	Redirecting to Hidalgo as necessary.	109,130	231,723	3	3	253	1,061	2
Laredo	50	40%	0	No	1,969,359	4,919,511	10	23	4,043	5,776	21
Eagle Pass	14	100%	25	No	354,452	1,062,667	13	13	1,619	1,595	12
Del Rio	10	36%	0	No	54,468	115,292	1	3	718	147	0
Total/Average	164	52%	106		5,408,929	12,916,850	81	70	10,799	15,106	82
Percentages compared to FY 2018					41.87%				71.49%		

El Paso Field Office											
Port of Entry	Total in Custody	% of Capacity	Do you have any UDAs in line waiting on the Mexico side? If yes, how many?	Are you directing UDAs to other Ports of Entry? If yes, which Port of Entry?	Total number of pedestrian traffic for FY19 YTD.	Total number of pedestrian traffic for FY18.	Number of asylum seekers processed the previous day	30 day average of asylum seekers processed	FY 2019 asylum seekers	FY 2018 asylum seekers	Number of aliens picked up by ICE/ERO
Port of El Paso	100	87%	2250	No	3,280,703	7,319,489	8	43	6,910	5,851	69
Santa Teresa	0	0%	0	No	30,767	147,145	10	4	645	769	8
Columbus	6	50%	0	No	118,744	282,686	6	0	126	33	0
Tornillo	6	7%	0	No	18,100	38,438	0	2	92	32	0
Presidio	6	50%	0	No	63,355	241,536	4	1	243	149	4
Total/Average	118	39%	2250		3,511,669	8,029,294	28	50	8,016	6,834	81
Percentages compared to FY 2018					43.74%				117.30%		

Tucson Field Office

Port of Entry	Total in Custody	% of Capacity	Do you have any UDAs in line waiting on the Mexico side? If yes, how many?	Are you directing UDAs to other Ports of Entry? If yes, which Port of Entry?	Total number of pedestrian traffic for FY19 YTD.	Total number of pedestrian traffic for FY18.	Number of asylum seekers processed the previous day	30 day average of asylum seekers processed	FY 2019 asylum seekers	FY 2018 asylum seekers	Number of aliens picked up by ICE/ERO
Douglas	15	375%	0	No	390,785	820,518	16	5	578	202	11
Lukeville	0	0%	0	No	20,838	69,086	2	0	25	18	4
Naco	0	0%	0	No	11,478	53,576	0	0	24	4	0
Nogales	42	82%	0	No	1,316,232	3,554,943	12	17	3,124	2,809	15
San Luis	16	84%	0	No	1,269,440	2,629,266	4	2	732	890	1
Total/Average	73	108%	0		3,008,773	7,127,389	34	24	4,483	3,923	31
Percentages compared to FY 2018					42.21%				114.27%		

San Diego Field Office											
Port of Entry	Total in Custody	% of Capacity	Do you have any UDAs in line waiting on the Mexico side? If yes, how many?	Are you directing UDAs to other Ports of Entry? If yes, which Port of Entry?	Total number of pedestrian traffic for FY19 YTD.	Total number of pedestrian traffic for FY18.	Number of asylum seekers processed the previous day	30 day average of asylum seekers processed	FY 2019 asylum seekers	FY 2018 asylum seekers	Number of aliens picked up by ICE/ERO
San Ysidro	266	89%	3015	No.	4,415,446	8,981,830	43	44	8,574	9,823	35
Otay Mesa	0	0%	0	Referred to San Ysidro.	1,591,709	3,717,617	0	1	214	582	3
Tecate	0	0%	0	Referred to San Ysidro.	377,627	815,259	0	0	30	24	0
Calexico West	51	76%	302	No.	1,803,570	4,388,192	3	6	1,273	1,719	4
Calexico East	0	0%	0	If encountered they will be referred to Calexico West.	201,836	494,945	2	0	52	267	0
Andrade	0	0%	0	If encountered they will be referred to Calexico West.	503,254	910,895	0	0	7	21	0
Total/Average	317	27%	3,317		8,893,442	19,308,738	48	51	10,150	12,436	42
Percentages compared to FY 2018					46.06%				81.62%		
OFO SWB											
Total/Average	672	57%	5,673		20,822,813	47,382,271	191	195	33,448	38,299	236
Percentages compared to FY 2018					43.95%				87.33%		

1 MAYER BROWN LLP
 2 Matthew H. Marmolejo (CA Bar No. 242964)
 3 *mmarmolejo@mayerbrown.com*
 350 S. Grand Avenue
 25th Floor
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Case No.: 17-cv-02366-BAS-KSC

**PLAINTIFFS' MOTION FOR
 PRELIMINARY INJUNCTION
 PROHIBITING GOVERNMENT
 FROM APPLYING ASYLUM BAN
 TO PROVISIONAL CLASS
 MEMBERS**

PORTIONS FILED UNDER SEAL

Hearing Date: November 4, 2019

**NO ORAL ARGUMENT UNLESS
 REQUESTED BY THE COURT**

27 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary
 28 Nielsen pursuant to Fed. R. Civ. P. 25(d).

1 CENTER FOR CONSTITUTIONAL RIGHTS

2 Baher Azmy (NY Bar No. 2860740) (*pro hac vice*)

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23 AMERICAN IMMIGRATION COUNCIL

24 Karolina Walters (DC Bar No. 1049113) (*pro hac vice*)

25 *kwalters@immcouncil.org*

26 1331 G St. NW, Suite 200

27 Washington, D.C. 20005

28 Telephone: +1.202.507.7523

Facsimile: +1.202.742.5619

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<i>Arctic Zero, Inc. v. Aspen Hills, Inc.</i> , 2018 WL 2018115 (S.D. Cal. May 1, 2018)	23
<i>Arizona Dream Act Coal. v. Brewer</i> , 757 F.3d 1053 (9th Cir. 2014)	8, 9
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<i>In re Baldwin-United Corp. (Single Premium Deferred Annuities Ins. Litig.)</i> , 770 F.2d 328 (2d Cir. 1985)	24
<i>Barr v. E. Bay Sanctuary Covenant</i> , Case No. 19A230, 588 U.S. ___, 2019 WL 4292781 (2019)	2
<i>Bay Area Addiction Research & Treatment, Inc. v. City of Antioch</i> , 179 F.3d 725 (9th Cir. 1999)	9
<i>Bennett v. Spear</i> , 520 U.S. 154 (1997)	20
<i>Boardman v. Pac. Seafood Grp.</i> , 822 F.3d 1011 (9th Cir. 2016)	9
<i>California v. Azar</i> , 911 F.3d 558 (9th Cir. 2018)	9
<i>California v. M&P Investments</i> , 46 F. App'x 876 (9th Cir. 2002)	23
<i>Capital Area Immigrants' Rights Coalition v. Trump</i> , No. 1:19-cv-02117-TJK, 2019 WL 3436501 (D.D.C. 2019)	2
<i>Cazun v. Attorney Gen. United States</i> , 856 F.3d 249 (3d Cir. 2017)	11

1	<i>Drakes Bay Oyster Co. v. Jewell</i> ,	
2	747 F.3d 1073 (9th Cir. 2014).....	8
3	<i>E. Bay Sanctuary Covenant v. Barr</i> ,	
4	385 F. Supp. 3d 922 (N.D. Cal. 2019), <i>order reinstated</i> , 391 F.	
5	Supp. 3d 974 (N.D. Cal. 2019).....	5
6	<i>E. Bay Sanctuary Covenant v. Barr</i> ,	
7	391 F. Supp. 3d 974 (N.D. Cal. 2019)	5
8	<i>E. Bay Sanctuary Covenant v. Barr</i> ,	
9	934 F.3d 1026 (9th Cir. 2019).....	5
10	<i>E. Bay Sanctuary Covenant v. Trump</i> ,	
11	349 F. Supp. 3d 838 (N.D. Cal. 2018)	11
12	<i>E. Bay Sanctuary Covenant v. Trump</i> ,	
13	932 F.3d 742 (9th Cir. 2018).....	22
14	<i>F.T.C. v. Dean Foods Co.</i> ,	
15	384 U.S. 597 (1966)	23
16	<i>Graham v. Fed. Emergency Mgmt. Agency</i> ,	
17	149 F.3d 997 (9th Cir. 1998).....	20
18	<i>Hamilton v. Nakai</i> ,	
19	453 F.2d 152 (9th Cir. 1972).....	23
20	<i>Hernandez v. Sessions</i> ,	
21	872 F.3d 976 (9th Cir. 2017).....	10, 11
22	<i>INS v. Cardoza-Fonseca</i> ,	
23	480 U.S. 421 (1987)	11
24	<i>INS v. Stevic</i> ,	
25	467 U.S. 407 (1984)	11
26	<i>Kirwa v. Dep't of Defense</i> ,	
27	285 F. Supp. 3d 21 (D.D.C. 2007)	10
28	<i>Klay v. United Healthgroup, Inc.</i> ,	
	376 F.3d 1092 (11th Cir. 2004).....	23
	<i>Leiva-Perez v. Holder</i> ,	
	640 F.3d 962 (9th Cir. 2011).....	11
	<i>Michael v. INS</i> ,	
	48 F.3d 657 (2d Cir. 1995)	24
	<i>Nken v. Holder</i> ,	
	556 U.S. 418 (2009)	22
	<i>Partington v. Norris</i> ,	
	28 F.3d 107 (9th Cir. 1994).....	9

1	<i>Ramirez v. U.S. Immigration & Customs Enf't</i> ,	
2	310 F. Supp. 3d 7 (D.C. Cir. 2018)	22
3	<i>Saravia for A.H. v. Sessions</i> ,	
4	905 F.3d 1137 (9th Cir. 2018)	8
5	<i>Securities and Exch. Comm'n v. G.C. George Sec., Inc.</i>	
6	637 F.2d 685 (9th Cir. 1981)	24
7	<i>Simula, Inc. v. Autoliv, Inc.</i> ,	
8	175 F.3d 716 (9th Cir. 1999)	9
9	<i>Singleton v. Kernan</i> ,	
10	2017 WL 4922849 (S.D. Cal. 2017)	9
11	<i>Small v. Avanti Health Sys., LLC</i> ,	
12	661 F.3d 1180 (9th Cir. 2011)	22
13	<i>Sy v. Holder</i> ,	
14	337 F. App'x 487 (6th Cir. 2009)	11
15	<i>Textile Unlimited, Inc. v. A. BMH and Co.</i> ,	
16	240 F.3d 781 (9th Cir. 2001)	8
17	<i>Villanueva-Bustillos v. Marin</i> ,	
18	370 F. Supp. 3d 1083 (C.D. Cal. 2018)	11
19	<i>Wagner v. Taylor</i> ,	
20	836 F.2d 566 (D.C. Cir. 1987)	23
21	<i>Wakkary v. Holder</i> ,	
22	558 F.3d 1049 (9th Cir. 2009)	11
23	<i>Winter v. Nat. Res. Def. Council, Inc.</i> ,	
24	555 U.S. 7 (2008)	8, 9, 21, 24
25	Statutes	
26	5 U.S.C. § 701	13
27	5 U.S.C. § 706	19
28	8 U.S.C. § 1158	<i>passim</i>
	8 U.S.C. § 1225	7, 14, 19
	8 U.S.C. § 1231	11
	28 U.S.C. § 1651	2, 23, 24
	Administrative Procedure Act	13, 14, 19, 20
	Other Authorities	
	8 C.F.R. § 208.13	4

1	8 C.F.R. § 274a.12	11
2	8 C.F.R. § 1240.10	11
3	84 Fed. Reg. 33,829 (July 16, 2019), <i>codified at</i> 8 C.F.R. §	
4	208.13(c)(4)	<i>passim</i>
5	1465 U.N.T.S. 85 (1984)	4
6	1967 Refugee Protocol, and the Convention Against Torture. 189	
7	U.N.T.S. 137 (1951)	4
8	606 U.N.T.S. 267 (1967)	4
9	Lindsay M. Harris, <i>Withholding Protection</i> , 50 COLUM. HUM. RTS. L.	
10	REV. 1, 77 n.147 (2019)	11
11	11A Wright & Miller, FED. PRAC. & PROC. § 2948.1 (3d ed.)	9
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INTRODUCTION

After adopting a metering policy² that forces destitute asylum seekers to wait for protracted periods in dangerous Mexican border towns, the Government has taken yet another step to deny them access to the U.S. asylum process. Specifically, Defendants have attempted to pull the rug out from underneath law-abiding asylum seekers at the southern border by promulgating a new interim final rule (the “Asylum Ban,” defined below), through which the Government effectively denies access to the U.S. asylum process to virtually all metered asylum seekers from countries other than Mexico. Critically, the very reason the provisional class members face application of the categorical prohibition in the Asylum Ban is the unlawful metering policy which forced them to wait in Mexico. These class members would have had their asylum claims heard under pre-existing law but for the illegal metering policy that is challenged in this case. Yet application of the Asylum Ban—and return to a class member’s country of origin to face persecution—would effectively foreclose Plaintiffs’ ability to challenge the metering policy. Plaintiffs seek a preliminary injunction to preserve the status quo and permit adjudication of their existing claims, by barring Defendants from applying the Asylum Ban to provisional class members, who were metered prior to the effective date of the Asylum Ban.

Provisional class members will suffer serious, irreparable injury if the Asylum Ban is applied to them. Once they become ineligible for asylum pursuant to the Asylum Ban, their ability to obtain relief in this case will be extinguished, depriving them of their continued right to litigate these pending claims and access the asylum

² Plaintiffs allege that CBP’s metering of asylum seekers at the southern border, referred to in this brief as the “metering policy,” is part of a broader Turnback Policy that is aimed at restricting the number of asylum seekers inspected and processed at ports of entry. Turnbacks occur through metering as well as other tactics, such as use of physical force and coerced withdrawal of a claim of fear at a port of entry (“POE”). For purposes of the preliminary relief sought in this motion, Plaintiffs’ allegations focus only on metering. Plaintiffs do not, however, concede that the Turnback Policy referenced in their Second Amended Complaint is limited to metering.

1 process. The balance of the equities tips sharply in favor of these class members,
 2 who attempted to follow the rules despite their fear and desperation, and sharply
 3 against the government, which illegally denied them access to the asylum process
 4 under the old rules. Finally, an injunction preventing application of the Asylum Ban
 5 to these class members is in the public interest.

6 To be clear, Plaintiffs are not challenging the Asylum Ban itself as part of this
 7 motion or in this case; those challenges are in active litigation already. *See Barr v.*
 8 *E. Bay Sanctuary Covenant*, Case No. 19A230, 588 U.S. ___, 2019 WL 4292781
 9 (2019) (“Asylum Ban Order”); *Capital Area Immigrants’ Rights Coalition v. Trump*,
 10 No. 1:19-cv-02117-TJK, 2019 WL 3436501 (D.D.C. 2019). Nor did Plaintiffs file
 11 this motion to seek a specific outcome in provisional class members’ asylum cases.
 12 Rather, Plaintiffs seek to preserve the status quo through a prohibitory preliminary
 13 injunction or, in the alternative, via the Court’s broad equitable power conferred by
 14 the All Writs Act, 28 U.S.C. § 1651(a), in order to preserve access to the asylum
 15 *process* for provisional class members pending this Court’s determination on the
 16 merits of their claims challenging the Government’s use of metering. Absent such
 17 modest judicial intervention, provisional class members are likely to be deemed
 18 categorically ineligible for asylum if they crossed into the United States after the
 19 Ban went into effect, even if they were illegally metered at a port of entry (“POE”)
 20 before that date. That result would improperly extinguish meaningful relief on the
 21 claims challenging the metering policy that are under consideration by this Court.

22 BACKGROUND

23 A. Defendants’ Illegal Metering Policy

24 For at least the past year and a half, CBP officials have been “metering,” or
 25 screening out asylum seekers approaching official POEs before they physically cross
 26 the U.S.-Mexico border. Ex. 1; Ex. 2 at 5-7; *see also* Am. Order Granting in Part and
 27 Den. in Part Defs.’ Mot. to Dismiss the Second Am. Compl., Dkt. 280 (“Second
 28 Mot. to Dismiss Order”); Defs.’ Ans. to Pls.’ Second Am. Compl., Dkt. 283, at ¶¶ 3,

7, 54, 65, 67–69, 79, 83, 85, 226, 258, 272, 273.³ This policy has led to a massive increase of migrants in Mexican border towns seeking to access the U.S. asylum process but prevented from doing so *by the U.S. government itself*. Ex. 3 ¶¶ 6-7.

Instead of inspecting and processing asylum seekers when they present themselves at POEs, as the law requires, Second Mot. to Dismiss Order, Dkt. No. 280, at 38-40, 42, 44-47 (explaining that the INA, 8 U.S.C. §§ 1158, 1225, requires that individuals “in the process of arriving in the United States” be inspected and processed and have the right to apply for asylum), under the metering policy Defendants block asylum seekers—and only asylum seekers—from crossing the international boundary line on the pathway to inspection stations at POEs. Ex. 2 at 5-7; Ex. 4 ¶¶ 3-8; Ex. 5 ¶¶ 4-5. Defendants inspect and process asylum seekers at POEs only sporadically, and generally based on their positions on lists maintained by third parties in Mexico. Ex. 2 at 6-7; Ex. 3 ¶¶ 5-6; Ex. 4 ¶¶ 6-11; Ex. 5 ¶ 5; Ex. 6 ¶ 19; Ex. 7 ¶ 18. Thus, any asylum seeker trying to enter the United States the “right way” must travel to the place in a Mexican border town where “the list” is maintained; put her name on the list; and then wait for weeks or months—vulnerable to kidnapping, trafficking, extortion, and violence—until CBP unilaterally decides it will inspect and process her. Ex. 3 ¶¶ 5-7; Ex. 6 ¶¶ 15-17, 19-20; Ex. 7 ¶¶ 15-18; Ex. 8 ¶¶ 5, 7, 9; Ex. 9 ¶¶ 8-9; Ex. 10 ¶¶ 10-11, 15-17; Ex. 11 ¶¶ 9-11, 17; Ex. 12 ¶¶ 10-11; Ex. 13 at 1; Ex. 14 ¶¶ 9-11, 13, 16; Ex. 15 ¶¶ 9-10; Ex. 16 ¶¶ 7-8, 12; Ex. 17 ¶¶ 8-10; Ex. 18 ¶¶ 6-9; Ex. 19 ¶¶ 6-8, 19-21; Ex. 20 ¶¶ 8-10; Ex. 21 ¶¶ 9-11; Ex. 22 ¶¶ 7-10; Ex. 23 at 2-5; Ex. 47 ¶¶ 7-10. When an asylum seeker tries to present herself at a POE without enrolling on the list—for example, if the person does not know about the list, has been denied access to the list,⁴ or is simply desperate to

³ “Ex.” refers to the exhibits to the Declaration of Melissa Crow (“Crow Decl.”), which are filed concurrently with this motion.

⁴ The lists are generally the best and only option for asylum seekers in border towns who want to enter the United States legally. However, they are not without flaws;

reach safety and cannot wait—CBP officers routinely turn her back to Mexico. *See, e.g.,* Ex. 4 ¶¶ 9-10; Ex. 6 ¶ 15; Ex. 7 ¶ 16; Ex. 15 ¶¶ 9; Ex. 22 ¶ 8; Ex. 48 ¶ 5.

B. The Asylum Ban and Its Legal Challenges

On July 16, 2019, the Departments of Justice and Homeland Security issued a joint interim final rule, “Asylum Eligibility and Procedural Modifications,” 84 Fed. Reg. 33,829 (July 16, 2019) (“Asylum Ban”), *codified at* 8 C.F.R. § 208.13(c)(4), that “forbids almost all Central Americans—even unaccompanied children—to apply for asylum in the United States if they enter or seek to enter through the southern border, unless they were first denied asylum in Mexico or another third country.” 2019 Asylum Ban Order (Sotomayor, J., dissenting).

Beyond the Central Americans that Justice Sotomayor mentioned in her dissent, the new Asylum Ban bars all non-Mexicans “who enter[], attempt[] to enter, or arrive[] in the United States across the southern land border on or after July 16, 2019” from eligibility for asylum in the United States unless they previously applied for and received a final judgment denying them protection from persecution or torture in a transit country or were subject to trafficking.⁵ 8 C.F.R. §§ 208.13(c)(4)(i), (ii). That includes people fleeing persecution from countries all over the world, including Cuba, Venezuela, Haiti, Nicaragua, Cameroon, Russia, and India. The Ban fails to consider the conditions or purpose of an individual’s journey through a third country, or her prospects for protection, rights or permanent

because the lists are maintained by third parties (either Mexican government entities or private individuals), they are subject to abuse and corruption. Ex. 15 ¶ 7; Ex. 16 ¶ 10. For example, it is often possible to pay the list-keeper for a better spot on the list or for the ability to bypass the list altogether. Some list-keepers demand sexual favors in exchange for a place on the list. Ex. 4 ¶ 11. Others deny certain groups of people, such as unaccompanied minors or black asylum seekers, access to the list altogether. Ex. 4 ¶¶ 9-10.

⁵ The Ban also makes an exception for individuals who transited through countries that are not parties to the 1951 Refugee Convention, the 1967 Refugee Protocol, or the Convention Against Torture. 8 C.F.R. 208.13(c)(4)(iii). However, Mexico, the only country adjoining the southern border of the United States, is a party to the 1951 Refugee Convention, the 1967 Refugee Protocol, and the Convention Against Torture. 189 U.N.T.S. 137 (1951), <http://bit.ly/2kY1NKI>; 606 U.N.T.S. 267 (1967), <http://bit.ly/2mge8Kc>; 1465 U.N.T.S. 85 (1984), <http://bit.ly/2mfxEXy>.

1 legal status there.

2 On the day the Asylum Ban was implemented, four immigration legal and
 3 social service organizations challenged the Ban in the U.S. District Court for the
 4 Northern District of California and moved for a temporary restraining order seeking
 5 to prevent implementation of the Asylum Ban nationwide. By consent of the parties,
 6 the motion was converted to one for a preliminary injunction, which was granted on
 7 July 24. *E. Bay Sanctuary Covenant v. Barr*, 385 F. Supp. 3d 922 (N.D. Cal. 2019),
 8 *order reinstated*, 391 F. Supp. 3d 974 (N.D. Cal. 2019). The Ninth Circuit
 9 subsequently stayed the injunction as to all jurisdictions other than its own, but
 10 indicated that the district court retained jurisdiction to further develop the record in
 11 support of a broader injunction. *E. Bay Sanctuary Covenant v. Barr*, 934 F.3d 1026
 12 (9th Cir. 2019). Following supplemental briefing, the district court restored the
 13 nationwide scope of the injunction on September 9. *E. Bay Sanctuary Covenant v.*
 14 *Barr*, 391 F. Supp. 3d 974 (N.D. Cal. 2019). On September 11, 2019, the Supreme
 15 Court stayed both the district court’s July 24 and September 9 orders pending
 16 disposition of the government’s appeal in the Ninth Circuit and disposition of the
 17 government’s petition for a writ of certiorari, if sought. Asylum Ban Order. In light
 18 of the Supreme Court’s action, the Asylum Ban recently went into effect nationwide
 19 with respect to all noncitizens who “enter[], attempt[] to enter, or arrive[] in” the
 20 United States via the southern border on or after July 16, 2019. 8 C.F.R.
 21 § 208.13(c)(4).

22 The Asylum Ban should not apply to Individual Plaintiffs and the provisional
 23 class members they seek to represent—those subject to the metering policy before
 24 July 16, 2019—given the text of the Ban and this Court’s previous Order on
 25 Defendants’ Motion to Dismiss the Second Amended Complaint. The Ban targets
 26 any noncitizen “who enters, attempts to enter, or *arrives in* the United States across
 27 the southern land border on or after July 16, 2019.” 8 C.F.R. § 208.13(c)(4)
 28 (emphasis added). This Court has already held that the use of the present tense verb

“arrives in” is significant and “plainly covers an alien who may not yet be in the United States, but who is in the process of arriving in the United States through a POE.” Second Mot. to Dismiss Order, Dkt. No. 280, at 38 (discussing 8 U.S.C. § 1158(a)(1)). Applying the Court’s logic to the text of the Asylum Ban, the provisional class members who were metered at POEs prior to July 16, 2019 were in the process of “arriv[ing] in the United States” when they were turned back. The Asylum Ban should not apply to them, as they met the cut-off date for “arriv[ing].”

However, Plaintiffs understand that the Government does not accept the logic of this Court’s ruling on the meaning of “arrives in,” and presume that the Government will apply the Asylum Ban to provisional class members who physically enter the United States after July 16, even if they were previously turned back by metering before the Ban’s effective date. *See* Ex. 25. Therefore, while Plaintiffs do not concede that the Asylum Ban *should* apply to the provisional class members, Plaintiffs file this Motion on the understanding that the Government *will* apply the Asylum Ban to them nonetheless.

C. Because of the Illegal Metering Policy, Provisional Class Members Have Been Deprived of Access to the Asylum Process Through Operation of the Asylum Ban

Based on the Government’s presumed application of the Asylum Ban to thousands of migrants who arrived at the U.S.-Mexico border before July 16, 2019 and were illegally metered, provisional class members are now, as a result of metering, harmed by the Ban. The U.S. government, including Defendants in this case, has engaged in a cruel bait and switch to deny these migrants access to the asylum process. Prior to July 16, 2019, the official message from the U.S. government was that asylum seekers should enter the United States “the right way,” by going to a POE on the southern border, instead of crossing without authorization through the desert or across the river. *See, e.g.,* Ex. 26 (quoting then-DHS Secretary Kirstjen Nielsen at a press conference: “As I said before, if you are seeking asylum,

1 go to a port of entry. You do not need to break the law of the United States to seek
 2 asylum.”); *see also* Ex. 17 ¶ 16 (“I decided to keep waiting for our turn to cross
 3 because I wanted to do things the right way and follow the law.”); Ex. 22 ¶ 9 (“We
 4 put our names on the list because we believed in the process.”). But at the same time,
 5 and as Plaintiffs have alleged in detail, Defendants have been choking off access to
 6 POEs and illegally preventing asylum seekers from entering the United States to
 7 access the asylum process, as explained above. *See* Ex. 2 at 5-7.

8 The Asylum Ban applies to any noncitizen who “enters, attempts to enter, or
 9 arrives in the United States . . . on or after July 16, 2019.” 8 C.F.R. § 208.13(c)(4).
 10 Thus, if an asylum seeker had presented herself at a POE before July 16, 2019, and
 11 CBP had complied with its mandatory duty to inspect and process her pursuant to 8
 12 U.S.C. § 1225, the Asylum Ban would not apply to her today because she would
 13 have “enter[ed]” before the cut-off date.

14 Based on Defendants’ acknowledgement that they engage in metering on a
 15 border-wide basis, Dkt. 283 at ¶¶ 3, 7, 54, 65, 67–69, 79, 83, 85, 226, 258, 272, 273;
 16 Ex. 1; Ex. 2 at 5-7, it is clear that a subset of non-Mexican class members—who are
 17 now ineligible for asylum under the Asylum Ban—were subjected to the metering
 18 policy *before* the Asylum Ban went into effect on July 16, 2019, and but for the
 19 metering policy, would have entered the United States before that date. These
 20 individuals are the members of the provisional class the Individual Plaintiffs seek to
 21 represent for purposes of this motion.⁶ If the Asylum Ban is applied to this subset of
 22 class members before the Court’s ultimate decision in this case, then those class
 23 members will be denied any chance to obtain effective relief. This motion seeks

24 ⁶ Some of these individuals have already crossed into the United States and have
 25 received some sort of process—whether they were subject to the Migrant Protection
 26 Protocols and returned to Mexico to await their hearings, detained pending
 27 resolution of their immigration cases, or released. *E.g.*, Ex. 21 ¶ 16; Ex. 22 ¶ 13; Ex.
 28 48 ¶ 11. Plaintiffs contend that such individuals remain part of their provisional
 class, even though they have already reached the United States and are in
 immigration proceedings, because they have been denied access to the asylum
 process through application of the metering policy, in combination with the Asylum
 Ban. Dkt. 189 ¶ 236.

injunctive relief to preserve those class members’ eligibility for asylum, given that the Asylum Ban would not have affected them but for Defendants’ illegal use of metering, which forced them to stay in Mexico longer than they otherwise would have.

LEGAL STANDARD

By this motion, Plaintiffs seek a preliminary injunction to preserve the status quo and prevent the “irreparable loss of rights” before a final judgment on the merits. *Textile Unlimited, Inc. v. A. BMH and Co.*, 240 F.3d 781, 786 (9th Cir. 2001). Specifically, they seek an order preventing the government from applying the categorical Asylum Ban to provisional class members, who would have arrived in the United States prior to July 16, 2019, but for Defendants’ illegal metering policy.

When moving for a preliminary injunction, a plaintiff “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Saravia for A.H. v. Sessions*, 905 F.3d 1137, 1142 (9th Cir. 2018) (quoting *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)). “When the government is a party, these last two factors merge.” *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014). A preliminary injunction may also issue where the plaintiff raises “serious questions going to the merits . . . and the balance of hardships tips sharply in [plaintiff’s] favor.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011).

In contrast to a mandatory injunction requiring a defendant to take affirmative steps, Plaintiffs here face a lower burden in obtaining this *prohibitory* injunction, grounded in the equitable powers of the court to preserve the status quo. *See Arizona Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1060–61 (9th Cir. 2014). Courts have ample power to adjudicate the merits of a prohibitory preliminary injunction – and restore the status quo ante – when necessary to correct an injury already inflicted, and despite a defendant’s attempt to subsequently foreclose relief on a plaintiff’s

claims. *See Bay Area Addiction Research & Treatment, Inc. v. City of Antioch*, 179 F.3d 725, 732 (9th Cir. 1999) (“The function of a preliminary injunction is to preserve the status quo *ante litem*, which is defined as the last, uncontested status which preceded the pending controversy.”) (quotations omitted); *Partington v. Norris*, 28 F.3d 107 (9th Cir. 1994). If the Court has power to correct an injury *already* inflicted and adjudicate claims the defendant attempted to foreclose, *a fortiori*, the Court has power to *prevent* the government from limiting provisional class members’ access to the full range of relief for which they would be eligible subject to a favorable ruling on the merits in this case. *See Arizona Dream Act*, 757 F.3d at 1069 (restoring to status quo ante DACA recipients’ federal entitlement to drivers’ licenses, putatively denied by application of Defendant-Governor’s policy).

ARGUMENT

I. Because Provisional Class Members Will Suffer Irreparable Injury and Are Likely to Succeed on the Merits, A Preliminary Injunction is Warranted.

A. Provisional Class Members Will Suffer Irreparable Injury Absent Issuance of an Injunction Because They Will Improperly Lose Their Right to Have Their Asylum Claims Decided on the Merits.

Irreparable harm is “[p]erhaps the single most important prerequisite for the issuance of a preliminary injunction.” *Singleton v. Kernan*, 2017 WL 4922849, at *3 (S.D. Cal. 2017) (quoting 11A Wright & Miller, FED. PRAC. & PROC. § 2948.1 (3d ed.)). The irreparable harm “analysis focuses on irreparability, ‘irrespective of the magnitude of the injury.’” *California v. Azar*, 911 F.3d 558, 581 (9th Cir. 2018) (quoting *Simula, Inc. v. Autoliv, Inc.*, 175 F.3d 716, 725 (9th Cir. 1999)). “A threat of irreparable harm is sufficiently immediate to warrant preliminary injunctive relief if the plaintiff ‘is likely to suffer irreparable harm before a decision on the merits can be rendered.’” *Boardman v. Pac. Seafood Grp.*, 822 F.3d 1011, 1023 (9th Cir. 2016) (quoting *Winter*, 555 U.S. at 22). The provisional class members plainly

1 satisfy the irreparable harm prong.

2 To begin, absent the judicial relief requested, provisional class members will
 3 be deprived of their present entitlement to challenge the legality of the metering
 4 policy—under the INA and the Due Process Clause—presently before the Court.
 5 The loss of such a procedural right constitutes irreparable harm. *See Hernandez v.*
 6 *Sessions*, 872 F.3d 976, 994 (9th Cir. 2017) (citation omitted); *Abdi v. Duke*, 280 F.
 7 Supp. 3d 373, 404–06 (W.D.N.Y. 2017) (irreparable harm established where “full
 8 and fair process afforded to them under the law” was denied); *cf. Kirwa v. Dep’t of*
 9 *Defense*, 285 F. Supp. 3d 21, 43 (D.D.C. 2007) (irreparable harm where government
 10 “block[s] access to an existing legal avenue for avoiding removal”); *Apotex, Inc. v.*
 11 *FDA*, 2006 WL 1030151, at *17 (D.D.C. Apr. 19, 2006) (irreparable harm where
 12 government takes away “a statutory entitlement”). Only preservation of the status
 13 quo would obviate that serious procedural injury.

14 In addition, provisional class members are asylum-seeking adults, children,
 15 and families who have fled persecution in their home countries. *E.g.*, Ex. 5 ¶¶ 2-3;
 16 Ex. 6 ¶¶ 2, 5, 12, 21; Ex. 7 ¶¶ 2, 4-5, 11-13, 20-22; Ex. 8 ¶¶ 3-4, 7, 9; Ex. 9 ¶ 4; Ex.
 17 10 ¶¶ 4-8, 15-18; Ex. 11 ¶¶ 5-7; Ex. 12 ¶¶ 2-6, 16; Ex. 13 at 1; Ex. 14 ¶¶ 3-7, 11; Ex.
 18 15 ¶¶ 2-3, 11; Ex. 16 ¶¶ 2-6, 10, 13; Ex. 17 ¶¶ 2, 4-6, 15; Ex. 18 ¶¶ 2, 4, 10, 13; Ex.
 19 19 ¶¶ 2, 4-5; Ex. 20 ¶¶ 2, 4-7; Ex. 21 ¶¶ 2, 5-8; Ex. 22 ¶¶ 2, 4, 11-12; Ex. 47 ¶¶ 7-
 20 10; Ex. 48 ¶¶ 2-4, 12; Ex. 49 ¶¶ 2-6, 14. They offer harrowing portraits of the grave
 21 dangers they fled, the fraught and extended journeys they undertook to reach the
 22 U.S.-Mexico border, and the peril that awaits them now. *Id.* Without the requested,
 23 immediate injunctive relief, provisional class members risk persecution, torture and
 24 death if they are deported to their countries of origin without having their claims for
 25 asylum considered on the merits.⁷ *Id.* The loss of the right to seek asylum constitutes

26
 27 ⁷ As discussed above, Plaintiffs understand that the Government will apply the
 28 Asylum Ban to the provisional class members they seek to represent, but Plaintiffs
 do not concede that the plain language of the Asylum Ban actually does apply to
 them. *See supra* at 5-6.

irreparable harm, *E. Bay Sanctuary Covenant v. Trump*, 349 F. Supp. 3d 838, 864 (N.D. Cal. 2018), as do persecution, torture and death. *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017) (“any deprivation of constitutional rights ‘unquestionably constitutes irreparable injury’”) (citation omitted); *Leiva-Perez v. Holder*, 640 F.3d 962, 970-71 (9th Cir. 2011) (holding that persecution on account of political opinion, in the form of extortion and beatings, “would certainly constitute irreparable harm”); *see also Villanueva-Bustillos v. Marin*, 370 F. Supp. 3d 1083, 1090 (C.D. Cal. 2018) (torture and death are irreparable harm).

Nor does the fact that the Asylum Ban allows two lesser forms of removal relief— withholding of removal and relief under the Convention Against Torture (“CAT”)—negate a finding of irreparable injury, as both these forms of relief require a much higher quantum of proof than asylum and offer significantly fewer protections.⁸ Unlike asylees, individuals granted withholding and CAT relief lack any pathway to permanent residency or citizenship and cannot petition for immediate family members to join them in the United States. *Cazun v. Attorney Gen. United States*, 856 F.3d 249, 252 n.3 (3d Cir. 2017) (citing *INS v. Cardoza-Fonseca*, 480 U.S. 421, 428 n.6 (1987)). Although such individuals cannot be deported to the country where they fear persecution, they can be deported to another country. *See* 8 U.S.C. § 1231(b); 8 C.F.R. § 1240.10(f). In addition, they may not travel outside the United States, may be detained, and must pay a yearly renewal fee for an employment authorization document in order to maintain the right to work in the United States. *See* 8 C.F.R. § 274a.12(a)(10); Lindsay M. Harris, *Withholding Protection*, 50 COLUM. HUM. RTS. L. REV. 1, 77 n.147 (2019). In essence, even those

⁸ To obtain withholding or CAT protection, a person must show a “reasonable possibility” of persecution, *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987), or a “clear probability of persecution.” *INS v. Stevic*, 467 U.S. 407 (1984). In practice, that means that whereas an individual must demonstrate only a 10% chance of persecution in his or her home country to obtain asylum, *Wakkary v. Holder*, 558 F.3d 1049, 1064 (9th Cir. 2009), for withholding and CAT, that figure jumps to 51%, *Stevic*, 467 U.S. at 412. *See Sy v. Holder*, 337 F. App’x 487, 492 (6th Cir. 2009).

1 individuals who succeed in meeting the higher burden of proof for withholding of
2 removal and CAT relief are subject to substantial restrictions not applicable to
3 asylees. Yet the only reason provisional class members are limited to seeking these
4 inferior forms of protection is that they were subject to metering.

5 Neither can provisional class members satisfy the Asylum Ban's limited
6 exceptions by applying for asylum in Mexico and waiting for a final judgment. First,
7 provisional class members who were metered before July 16, 2019, by definition,
8 have been in Mexico longer than a month, and are now barred from applying for
9 asylum *in Mexico* by that country's 30-day bar on asylum applications. See Ex. 27
10 ¶¶ 34-37; Ex. 28, ¶ 22. Although it is possible to seek a waiver of the 30-day bar, it
11 is nearly impossible to do so without legal counsel, which is expensive. Ex. 27 ¶¶
12 35-36. For all intents and purposes, nearly all provisional class members are barred
13 from even applying for asylum in Mexico.

14 Those class members who manage to file an asylum application in Mexico
15 face delays of over two years caused by the chronic underfunding and understaffing
16 of Mexico's Commission for Refugee Assistance ("COMAR"), the agency charged
17 with adjudicating asylum applications. *Id.* ¶¶ 21-29. There is only one COMAR
18 office on the U.S.-Mexico border, in Tijuana, with just two staff members who are
19 not authorized to decide cases on their own. *Id.* ¶¶ 26-27. Although class members
20 can apply for asylum at National Institute for Migration ("INM") offices in other
21 border cities, those offices have little to no staff with specialized training in asylum
22 or humanitarian protection. *Id.* ¶ 28. While their applications are pending, migrants
23 are not allowed to leave the Mexican state where they filed their applications, and
24 have to check in regularly with COMAR or INM to avoid "abandonment" of their
25 applications, which could lead to deportation. *Id.* ¶ 32; Ex. 28 ¶¶ 24-28. Those class
26 members who manage to apply for asylum in Mexico, who are fleeing horrific
27 violence and threats to their lives, cannot wait years for a final judgment in Mexico
28 before even being allowed to wait for asylum in the United States.

1 If this Court finds for the provisional class members on the merits of their
 2 claims, appropriate injunctive relief would include an order directing that those class
 3 members who would have crossed the southern border prior to July 16 but for
 4 Defendants' illegal conduct should have their asylum claims adjudicated based on
 5 the law that was then in place. Such an order would be necessary to place those
 6 individuals in the same position they would have been in had Defendants not
 7 engaged in illegal metering. However, absent preliminary injunctive relief, the
 8 Asylum Ban would deprive provisional class members of access to the asylum
 9 process even if this Court ultimately rules in Plaintiffs' favor on the illegality of the
 10 Government's metering policy. Once they lose the right to seek asylum based on the
 11 law that existed at the time they arrived at a POE, it cannot effectively be restored.
 12 That is clearly irreparable harm.

13 **B. Plaintiffs Are Likely to Succeed on the Merits of Their Underlying**
 14 **Claims Challenging the Government's Metering Policy and**
 15 **Individual Turnbacks**

16 This Court's past decisions suggest that Plaintiffs have a strong likelihood of
 17 success of the merits in this case. But such a victory would be hollow for provisional
 18 class members if, in the interim, they are barred from asylum by the Asylum Ban,
 19 despite the fact that they would have "enter[ed]" the United States before the Ban
 20 went into effect *but for* Defendants' illegal actions. *See* 8 C.F.R. § 208.13(c)(4). In
 21 its past orders granting in part and denying in part Defendants' motions to dismiss,
 22 this Court already concluded that the political question doctrine does not bar review
 23 of Plaintiffs' claims; that the challenged action is reviewable under 5 U.S.C.
 24 § 701(a)(2) because it is not committed to agency discretion by law; and that
 25 assuming the truth of the facts alleged in the Second Amended Complaint, Plaintiffs
 26 have adequately pleaded violations of the Immigration and Nationality Act ("INA"),
 27 the Administrative Procedure Act ("APA"), and the Due Process Clause. Second
 28 Mot. to Dismiss Order, Dkt. No. 280 at 21-25, 47, 54-58, 65, 77. Plaintiffs are

1 gathering the evidence necessary to prove their claims, and they are likely to succeed
 2 on the merits. At the very least, under the *Cottrell* standard, Plaintiffs have raised
 3 serious questions going to the merits of their underlying claims.

4 **1. Each Individual Turnback of an Asylum Seeker Violates**
 5 **the INA and Section 706(1) of the APA.**

6 The Court has already made clear that it “agrees” with Plaintiffs’
 7 understanding of Defendants’ legal obligations under the INA. Dkt. 280 at 38. The
 8 INA guarantees a right to apply for asylum to noncitizens who are “in the process of
 9 arriving in the United States.” *Id.* at 38-40 (citing 8 U.S.C. § 1158). The INA also
 10 requires Defendants to inspect all noncitizens who are “arriving in the United States”
 11 at a POE, even if they “may not yet be in the territorial United States.” *Id.* at 44-46
 12 (citing 8 U.S.C. § 1225). It further requires Defendants to refer for an interview with
 13 an asylum officer all arriving noncitizens who indicate an intent to apply for asylum
 14 or a fear of persecution. *Id.* at 46-47. Every failure to carry out their statutory
 15 inspection and processing duties—what Plaintiffs have called a “turnback”—is
 16 reviewable and actionable under Section 706(1) of the APA. *Id.* at 28.

17 Plaintiffs already have evidence to support their legal arguments and are in
 18 the process of gathering more in discovery, which is currently underway. *Cf.* Dkts.
 19 269, 275 (noting continued concerns with the pace of the Government’s document
 20 production; Dkt. 288 (granting motion to compel the Government’s timely
 21 production of documents). Most importantly, Defendants acknowledge that they are
 22 “metering,” or artificially limiting the numbers of asylum seekers they allow into
 23 POEs along the southern border, and have been doing so since at least April 2018.
 24 *See* Ex. 2 at 5-7 (discussing and describing metering practices); Ex. 1; Ex. 29
 25 (indicating that a border-wide metering policy was authorized at the highest levels
 26 of CBP in November 2016); Dkt. 283 at ¶¶ 3, 7, 54, 65, 67–69, 79, 83, 85, 226, 258,
 27 272, 273. There has been significant press coverage of the existence and
 28 consequences of metering. *See, e.g.,* Ex. 30-33. And Defendants’ own public

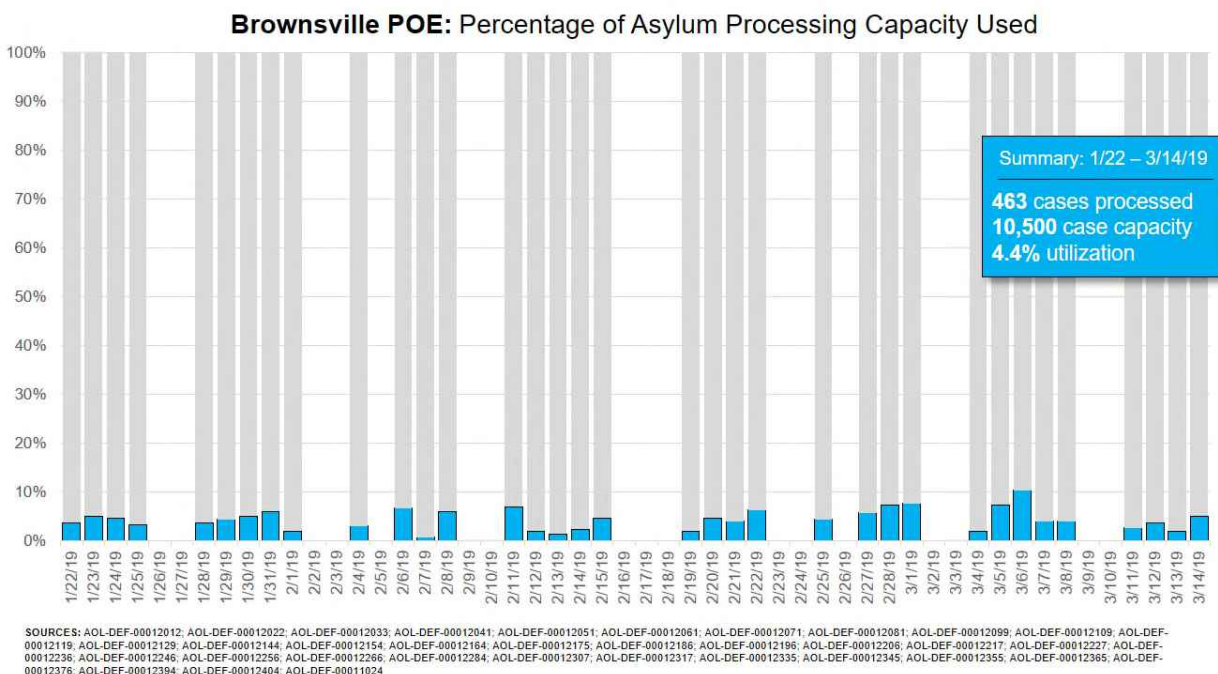
1 statistics demonstrate that they have been limiting the number of “inadmissibles,” or
2 noncitizens “presenting themselves to seek humanitarian protection under our laws,”
3 to around 10,000 per month for at least the past year. *See* Ex. 34 (illustrating that the
4 number of “inadmissibles” has fluctuated around 10,000 per month since October
5 2018, with two unexplained increases in May and August 2019).

6 Plaintiffs are also likely to succeed on their claim that the metering policy was
7 adopted based on a desire to deter asylum seekers and artificially limit the number
8 of asylum seekers inspected at POEs, as well as the related allegation that
9 Defendants’ claim of lack of capacity is pretextual. First, Defendants’ own words,
10 and those of others in the Trump administration, indicate an undeniable disdain for
11 asylum seekers. For instance, at a December 6, 2018 Congressional staff briefing
12 concerning metering at POEs on the U.S.-Mexico border, Judson W. Murdock, II,
13 the Acting Assistant Commissioner of CBP, justified the policy by stating, “[t]he
14 more we process, the more will come.” Ex. 35 at 1. Similarly, in a July 26, 2019
15 email, one of President Trump’s chief immigration advisors, Stephen Miller, stated,
16 “My mantra has persistently been presenting aliens with multiple unavoidable
17 dilemmas to impact their calculus for choosing to make the arduous journey to begin
18 with.” Ex. 36 at 2. Mr. Miller has been even more direct about his intentions, stating
19 that he “would be happy if not a single refugee foot ever again touched America’s
20 soil.” Ex. 37 at 6. President Trump has been more prosaic, explaining, “They have
21 to get rid of the whole asylum system because it doesn’t work. And, frankly, we
22 should get rid of judges. You can’t have a court case every time somebody steps foot
23 on our ground.” Ex. 38 at 3; *see also* Ex. 39 at 24 (“Asylum is a ridiculous situation.
24 . . . It’s a big con job. That’s what it is.”); Ex. 40 at 24 (“How stupid can we be to
25 put up with this? How stupid can we be? . . . [T]he asylum program is a scam.”). In
26 accordance with these statements, the administration has focused significant efforts
27 on overhauling Defendants’ border policies to make U.S. asylum law a dead letter.
28 The metering policy is one such effort by Defendants to end asylum—in this case,

1 by shirking their statutory duties to inspect and process asylum seekers at POEs.

2 Second, publicly available data and the limited discovery produced strongly
 3 support Plaintiffs' claim that Defendants' explanation of metering is pretextual.
 4 Defendants have used metering to drastically cut the number of asylum seekers
 5 processed at ports of entry. *See* Ex. 3 at 1, 4-12; Ex. 4 ¶ 12. These processing levels
 6 cannot be justified by the capacity of particular ports of entry. The Government's
 7 metering policy has a border-wide, systematic effect on asylum seekers. Prior to the
 8 formalization of the metering policy, on November 27, 2017, CBP created a
 9 "Migrant Crisis Action Team," known by the acronym MCAT. *See* Ex. 41 at 12000.
 10 The purpose of the MCAT is to "monitor and work closely with CBP field personnel
 11 and assist in managing issues with migration flow at and between ports of entry
 12 along the [Mexican] border." *Id.* The MCAT tracks and facilitates metering at POEs.
 13 The MCAT disseminates daily "Queue Management" reports tracking CBP's
 14 progress in illegally restricting the number of asylum seekers who can present
 15 themselves at POEs on the U.S.-Mexico border. A January 2019 Queue Management
 16 report shows that the Laredo Field Office cut the year-to-date number of asylum
 17 seekers processed at POEs by 55%, the El Paso Field Office cut asylum seekers by
 18 26%, the Tucson Field Office cut asylum seekers by 20%, and the San Diego Field
 19 Office cut asylum seekers by 43%. *See* Ex. 42 at 12012-13.

20 For example, CBP's *Laredo Field Office Contingency Plan* for addressing
 21 "[i]ncreases in persons and family units . . . claiming 'credible fear'," Ex. 43 at
 22 11124, states that the Brownsville POE "has a capacity to process approximately
 23 300 cases every 24 hours." *Id.* at 11135. However, daily data compiled and kept by
 24 CBP's MCAT concerning the number of asylum seekers processed at particular
 25 POEs shows that the Brownsville POE was processing far fewer than 300 asylum
 26 seekers per day in the first quarter of 2019.

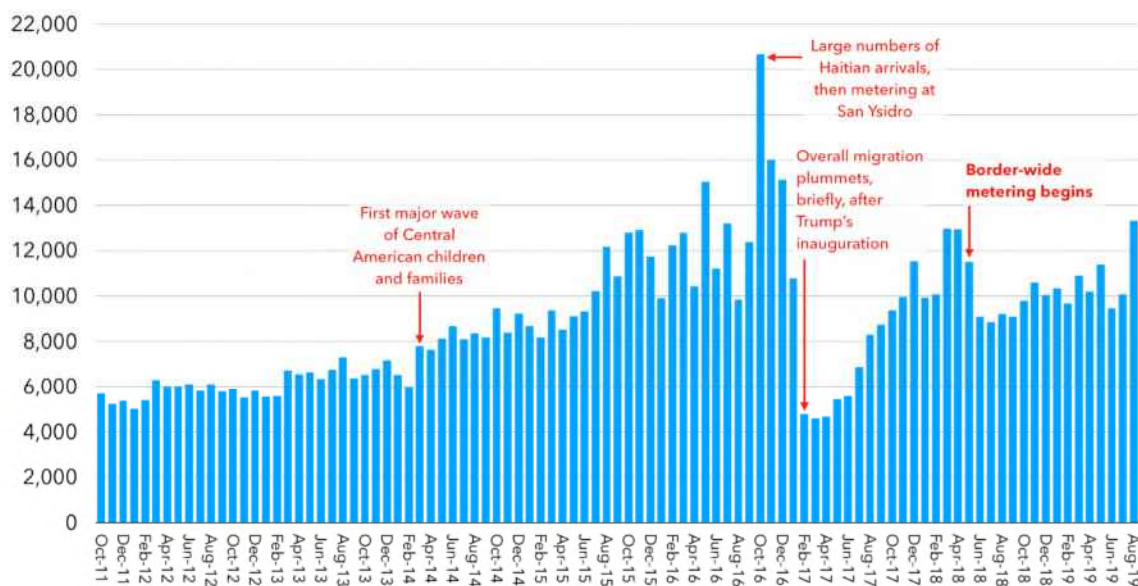


As shown above, between January 22, 2019 and March 14, 2019 (the only period for which the Government has produced MCAT reports), CBP utilized only 4.4% of its available capacity at the Brownsville POE to process asylum seekers. Even when accounting for such factors as the need to house vulnerable migrant populations (such as juveniles) separately from other migrants, the Government has offered no valid justification for its decision to process fewer than 30 asylum seekers per day at the Brownsville POE.

The same trend can be seen border-wide. CBP's own statistics show that the Government has far more capacity to process asylum seekers than it is currently using. Between July 2015 and January 2017, before the Government implemented its border-wide metering policy, CBP processed 12,651 undocumented migrants per month. Ex. 23 at ¶ 6(a). Between June 2018 and July 2019, CBP processed only 9,904 undocumented migrants per month, a 28% decrease. Ex. 23 at ¶ 6(b)-(c). This reduction in migrant processing cannot be explained by other factors. From 2015 to 2019 CBP's budget increased from \$12.8 billion to \$14.7 billion. Ex. 44 at fig. 2. In 2017 and 2018, the number of "frontline" CBP officers increased. Ex. 45 at 6.

Moreover, in 2019, CBP is scheduled to complete a \$741 million expansion of the San Ysidro POE, which includes an expansion of the secondary inspection and detention capabilities of the POE. Ex. 46 at 2.

Undocumented Migrants Processed at Ports of Entry, October 2011-Present



CBP sources: <http://bit.ly/2mDr1fQ> - <http://bit.ly/2L9set3>

Third, circumstantial evidence, including the observations of human rights advocates and DHS monitors, further bolsters Plaintiffs' claim of pretext. Ex. 23 at 5; Ex. 24 at 15 (Amnesty International report of an interview with high-level CBP officials in California, in which they stated that "CBP has only actually reached its detention capacity a couple times per year and during 'a very short period' in 2017"); *id.* at 23 (noting that in a conversation with Amnesty International, an INM [the Mexican immigration agency] delegate in Baja California expressed doubt about CBP's claims of capacity constraints); Ex. 2 at 8 ("[T]he OIG team did not observe severe overcrowding at the ports of entry it visited."). Under Defendants' illegal metering policy, only asylum seekers are screened out of the line of noncitizens awaiting inspection at ports of entry. Thus, by design, metering targets only asylum seekers and deprives them—and no other "applicants for admission"—of the statutorily-required inspection process. Ex. 2 at 6; Ex. 4 ¶¶ 5-8; Ex. 15 ¶ 9; Ex. 22

¶ 8; *see also* Dkt. 280 at 61.

Every individual who was metered over the past year and a half—*i.e.*, denied the inspection and processing the INA requires—experienced an individual “turnback” in violation of CBP’s mandatory inspection and processing duties under the INA, which is actionable under the APA § 706(1). Given Defendants’ acknowledgement that they are metering at POEs along the southern border, and the likelihood that Plaintiffs will ultimately prove that Defendants’ capacity excuse is pretextual, Plaintiffs easily meet the standard of showing that they are likely to succeed on the merits of their INA and APA claims related to individual turnbacks.

2. The Metering Policy Violates the INA and APA Section 706(2).

In its recent order, this Court signaled likely agreement with Plaintiffs’ claim that the metering policy violates the INA and the APA, 5 U.S.C. § 706(2), because it is a final agency action that exceeds Defendants’ statutory authority and is without observance of procedure required by law. Second Mot. to Dismiss Order, Dkt. No. 280, at 49-53 (final agency action), 58-65 (APA violation analysis). As explained above, the Court agreed that the INA, 8 U.S.C. § 1225, requires CBP to inspect and process all noncitizens “in the process of arriving” in the United States. *Id.* at 38, 45-46, 59. Therefore, Plaintiffs are likely to succeed on the merits of their claim that a policy setting out a different process across the entire border—particularly one that blatantly undermines the humanitarian purpose of the statutory asylum scheme—is incompatible with the INA’s specific inspection mandate, and that it exceeds Defendants’ general authority to implement the statute and manage ports of entry. In addition, the Court agreed with Plaintiffs that Defendants lack authority to adopt and implement such a policy for the purpose of deterring asylum seekers and intentionally limiting the number of asylum seekers who are inspected. *Id.* at 60-65.

Furthermore, even with the limited discovery completed to date, it is likely that Plaintiffs will succeed in substantiating their core factual allegations regarding

the metering policy. As detailed above, Defendants concede that they have a border-wide practice called “metering” that is memorialized in guidance distributed to all ports. *See supra* section A. They have implemented this guidance and they are in fact metering on a border-wide basis. Ex. 3 ¶ 6; Ex. 4 ¶¶ 6-8; Ex. 5 ¶ 4 (Hidalgo); Ex. 7 ¶ 14 (El Paso); Ex. 8 ¶ 5 (San Diego); Ex. 14 ¶ 10 (Brownsville); Ex. 22 ¶ 7 (Laredo); Ex. 23 at 2-5; Ex. 24 at 11, 15-22; Ex. 47 ¶ 8 (Calexico). Moreover, Defendants’ guidance is written proof of a policy that, at a minimum, encompasses metering, and that satisfies the statutory definition of a “final agency action.” *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997) (defining “final agency action.”) And lastly, as described in detail above, *supra* section A, Plaintiffs are likely to succeed in demonstrating that Defendants’ claims of lack of capacity are pretextual and that the metering policy is based on the unlawful goal of deterring and restricting the number of asylum seekers who present themselves at POEs.

3. The Metering Policy Violates the Due Process Clause.

Because Plaintiffs have statutory rights under the INA and Sections 706(1) and 706(2) of the APA, Dkt. 280 at 76, they cannot be deprived of those rights without due process, which this Court has already held protects them. As with the statutory claims, the Court has made clear that it agrees with Plaintiffs’ understanding of the law underlying their constitutional claims. *Id.* at 69-77. If Plaintiffs show that Defendants “failed to discharge their mandatory duties under the relevant [statutory] provisions,” Plaintiffs simultaneously prove a due process violation. *Id.* at 77. Plaintiffs have already established a likelihood of success on the merits of their statutory claims, thereby also establishing a likelihood of success on the merits of their due process claim.⁹

⁹ If the Court concludes that Plaintiffs have not established a likelihood of success on the merits of their INA and APA claims, but that they have raised serious questions going to the merits of those claims under the *Cottrell* standard, then that finding should apply equally to the Plaintiffs’ due process claims, which are grounded in the alleged statutory violations. *See* Dkt. 280, at 76 (citing *Graham v. Fed. Emergency Mgmt. Agency*, 149 F.3d 997, 1001 & n.2 (9th Cir. 1998)).

C. The Balance of Equities Tips Sharply in Provisional Class Members' Favor and an Injunction Is in the Public Interest.

In evaluating the final preliminary injunction factors—the balance of the equities and the public interest—a court “must balance the competing claims of injury and must consider the effect on each party of the granting or withholding of the request for relief,” and “should pay particular regard for the public consequences in employing the extraordinary remedy of injunction.” *Winter*, 555 U.S. at 376-77.

The effect on Defendants of granting this injunction is minimal. It would require the government simply to ensure that provisional class members remain eligible for asylum, which would have been the case had they not been subject to Defendants’ illegal metering policy. It is hard to envision how requiring the Government to apply decades-old law to an identified group of people who relied on it entails any meaningful injury.

On the other hand, the effect on provisional class members of *not* granting this injunction would be severe and immediate. While Plaintiffs believe that the Asylum Ban, by its terms, should not apply to provisional class members because, in accordance with this Court’s prior opinions, they “attempt[ed] to enter, or arrive[d] in the United States” at the time that they were subject to turnbacks, the Government does not appear to interpret the Ban in this way. Ex. 25. If, as expected, the Government were to apply the Asylum Ban to members of the provisional class because they did not cross the southern border prior to July 16, 2019, then all provisional class members would be ineligible for asylum. *Id.* Absent the requested injunction, provisional class members who are inspected and processed will be ineligible for asylum under the Ban, although the only reason they are deemed subject to the Ban is the Government’s illegal use of metering. They face deportation to countries where they fear grave harm. *See supra*, Part I; *see also* Ex. 5 ¶¶ 2-3; Ex. 6 ¶¶ 2, 5, 12, 21; Ex. 7 ¶¶ 2, 4-5, 11-13, 20-22; Ex. 8 ¶¶ 3-4, 7, 9; Ex. 9 ¶ 4; Ex. 10 ¶¶ 4-8, 15-18; Ex. 11 ¶¶ 5-7; Ex. 12 ¶¶ 2-6, 16; Ex. 13 at 1; Ex. 14 ¶¶ 3-7, 11; Ex.

15 ¶¶ 2-3, 11; Ex. 16 ¶¶ 2-6, 10, 13; Ex. 17 ¶¶ 2, 4-6, 15; Ex. 18 ¶¶ 2, 4, 10, 13; Ex.
 19 ¶¶ 2, 4-5; Ex. 20 ¶¶ 2, 4-7; Ex. 21 ¶¶ 2, 5-8; Ex. 22 ¶¶ 2, 4, 11-12; Ex. 48 ¶ 12.

Moreover, it is in the public interest to “ensur[e] that ‘statutes enacted by
 [their] representatives’ are not imperiled by executive fiat,” or a combination of fiats,
 as in this case. *E. Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 779 (9th Cir.
 2018) (citation omitted); *see also Small v. Avanti Health Sys., LLC*, 661 F.3d 1180,
 1197 (9th Cir. 2011) (“[T]he public interest favors applying federal law correctly.”);
Ramirez v. U.S. Immigration & Customs Enf’t, 310 F. Supp. 3d 7, 33 (D.C. Cir.
 2018) (finding that where agency discretion “has been clearly constrained by
 Congress[,] [t]he public interest surely does not cut in favor of permitting an agency
 to fail to comply with a statutory mandate”).

As this Court recognized in its Second Motion to Dismiss Order, the
 government is required by statute to provide asylum seekers access to the U.S.
 asylum process. *See* 8 U.S.C. § 1158(a)(1) (“Any [noncitizen] who is physically
 present in the United States or who *arrives in* the United States . . . , irrespective of
 such [noncitizen’s] status, may apply for asylum[.]”) (emphasis added). To the
 extent Defendants’ metering policy forecloses access to that statutorily guaranteed
 process through newly determined ineligibility criteria that affect provisional class
 members, the public interest is served by issuing a preliminary injunction that
 preserves their eligibility for asylum pending a determination on the merits of the
 metering policy. Finally, “preventing [noncitizens] from being wrongfully removed,
 particularly to countries where they are likely to face substantial harm,” clearly is in
 the public interest. *Nken v. Holder*, 556 U.S. 418, 436 (2009).

Thus, the balance of the equities and the public interest strongly favor granting
 preliminary injunctive relief to provisional class members.

II. The All Writs Act Independently Authorizes the Court to Prevent the Government from Prematurely Extinguishing Provisional Class Members' Claims Through the Asylum Ban.

The All Writs Act (“AWA”) separately authorizes the limited relief Plaintiffs seek, in order to preserve the court’s jurisdiction to adjudicate the claims before it despite the government’s attempt to extinguish them. See 28 U.S.C. § 1651(a) (authorizing courts to “issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law”). The Act encompasses a federal court’s power “to preserve [its] jurisdiction or maintain the status quo by injunction pending review of an agency’s action through the prescribed statutory channels,” *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 604 (1966), and it “should be broadly construed,” *Hamilton v. Nakai*, 453 F.2d 152, 157 (9th Cir. 1972) to “achieve all rational ends of law,” *California v. M&P Investments*, 46 F. App’x 876, 878 (9th Cir. 2002) (quoting *Adams v. United States*, 317 U.S. 269, 273 (1942)).

Whereas a “traditional” injunction requires a party to state a claim, an AWA injunction requires only that a party point to a threat to the integrity of some ongoing or prospective proceeding, or of some past order or judgment. *Klay v. United Healthgroup, Inc.*, 376 F.3d 1092, 1097 (11th Cir. 2004) (a court may enjoin almost any conduct “which, left unchecked, would have . . . the practical effect of diminishing the court’s power to bring the litigation to a natural conclusion.”). Thus, to issue an AWA injunction—simply preserving the court’s jurisdiction over the pending metering-related claims—the Court need not satisfy itself that there is a likelihood of success on the merits on those claims. See *Wagner v. Taylor*, 836 F.2d 566, 571-72 (D.C. Cir. 1987) (showing of irreparable injury suffices); *Arctic Zero, Inc. v. Aspen Hills, Inc.*, 2018 WL 2018115, at *5 (S.D. Cal. May 1, 2018) (distinguishing AWA injunction from traditional preliminary injunction).

Accordingly, the Ninth Circuit has explicitly permitted courts to enjoin proceedings commenced after the federal court’s assertion of jurisdiction, to ensure

adequate judicial review. *See Securities and Exch. Comm'n v. G.C. George Sec., Inc.* 637 F.2d 685, 687–88 (9th Cir. 1981) (AWA authorized district court to stay administrative proceeding involving issues related to a settlement over which the district court retained jurisdiction). The AWA is so broad as to authorize a district court to enjoin parties from bringing parallel litigation if it would disrupt the proper adjudication of pending cases before the court. *See In re Baldwin-United Corp. (Single Premium Deferred Annuities Ins. Litig.)*, 770 F.2d 328, 333 (2d Cir. 1985)¹⁰ And, it unambiguously applies in the immigration context. The Second Circuit has used the All Writs Act to stay an order of deportation “in order to safeguard the court’s appellate jurisdiction,” in order to preserve its ability to hear subsequent appeals by the Petitioner. *Michael v. INS*, 48 F.3d 657, 664 (2d Cir. 1995).

Thus, the Court is authorized under the AWA to issue the limited injunction Plaintiffs seek merely to preserve its jurisdiction over the claims that have been pending before the court for over three years, and to prevent the government from unfairly and prematurely extinguishing those plausibly pled claims.

III. CONCLUSION

Absent an injunction pursuant to either *Winter* or *Cottrell*, or an order pursuant to the All Writs Act that preserves the status quo, provisional class members will suffer irreparable harm. The court should issue an order preventing Defendants from applying the Asylum Ban to provisional class members because they were illegally metered before the effective date of the Asylum Ban.

WHEREFORE, Plaintiffs respectfully ask this Court to enter an injunction preventing Defendants from applying the Asylum Ban to provisional class members

¹⁰ Indeed, equitable powers under the AWA are so broad so as to authorize preservation of the status quo, even while the predicate assertion of federal jurisdiction is contested, let alone as here, where it is undisputed. *See Astrazeneca Pharm. LP v. Burwell*, 197 F. Supp. 3d 53 (D.D.C. 2016) (“If the court may eventually have jurisdiction of the substantive claim, the court’s incidental equitable jurisdiction . . . gives the court authority to impose a temporary restraint in order to preserve the status quo pending ripening of the claim for judicial review.”).

1 who were metered prior to July 16, 2019.

2 Dated: September 26, 2019

MAYER BROWN LLP
Matthew H. Marmolejo
Ori Lev
Stephen S. Medlock

5 SOUTHERN POVERTY LAW
6 CENTER

Melissa Crow
Mary Bauer
Sarah Rich
Rebecca Cassler

10 CENTER FOR CONSTITUTIONAL
11 RIGHTS

Baher Azmy
Ghita Schwarz
Angelo Guisado

13 AMERICAN IMMIGRATION
14 COUNCIL

Karolina Walters

16 By: /s/ Stephen M. Medlock
17 Stephen M. Medlock

18 *Attorneys for Plaintiffs*

CERTIFICATE OF SERVICE

I certify that I caused a copy of the foregoing document to be served on all counsel via the Court's CM/ECF system.

Dated: September 26, 2019

MAYER BROWN LLP

By /s/ Stephen M. Medlock

1 MAYER BROWN LLP
 Matthew H. Marmolejo (CA Bar No. 242964)
 2 *mmarmolejo@mayerbrown.com*
 350 S. Grand Avenue
 25th Floor
 Los Angeles, CA 90071-1503
 Ori Lev (DC Bar No. 452565)
 (*pro hac vice*)
 5 *olev@mayerbrown.com*
 Stephen M. Medlock (VA Bar No. 78819)
 (*pro hac vice*)
 6 *smedlock@mayerbrown.com*
 1999 K Street, N.W.
 Washington, D.C. 20006
 Telephone: +1.202.263.3000
 Facsimile: +1.202.263.3300

9 SOUTHERN POVERTY LAW CENTER
 10 Melissa Crow (DC Bar No. 453487)
 (*pro hac vice*)
 11 *melissa.crow@splcenter.org*
 1101 17th Street, N.W., Suite 705
 Washington, D.C. 20036
 Telephone: +1.202.355.4471
 13 Facsimile: +1.404.221.5857

14 *Additional counsel listed on next page*
 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Kevin K. McAleenan,¹ *et al.*,

22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 41 TO MOTION FOR
PRELIMINARY INJUNCTION**

FILED UNDER SEAL

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 27
 28 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

1 CENTER FOR CONSTITUTIONAL RIGHTS

Baher Azmy (NY Bar No. 2860740) (*pro hac vice*)

2 *bazmy@ccrjustice.org*

Ghita Schwarz (NY Bar No. 3030087) (*pro hac vice*)

3 *gschwarz@ccrjustice.org*

Angelo Guisado (NY Bar No. 5182688) (*pro hac vice*)

4 *aguisado@ccrjustice.org*

666 Broadway, 7th Floor

5 New York, NY 10012

Telephone: +1.212.614.6464

6 Facsimile: +1.212.614.6499

7 SOUTHERN POVERTY LAW CENTER

Mary Bauer (VA Bar No. 31388) (*pro hac vice*)

8 *mary.bauer@splcenter.org*

1000 Preston Ave.

9 Charlottesville, VA

Sarah Rich (GA Bar No. 281985) (*pro hac vice*)

10 *sarah.rich@splcenter.org*

Rebecca Cassler (MN Bar No. 0398309) (*pro hac vice*)

11 *rebecca.cassler@splcenter.org*

150 E. Ponce de Leon Ave., Suite 340

12 Decatur, GA 30030

13 AMERICAN IMMIGRATION COUNCIL

Karolina Walters (DC Bar No. 1049113) (*pro hac vice*)

14 *kwalters@immcouncil.org*

1331 G St. NW, Suite 200

15 Washington, D.C. 20005

Telephone: +1.202.507.7523

16 Facsimile: +1.202.742.56

From: CBP-CAT
Sent: Sunday, February 25, 2018 11:10 AM
To: CBP-CAT; CAMPBELL, CARL S; CHAVEZ, GLORIA I; FLANAGAN, PATRICK S; FRIEL, MICHAEL J; HOFFMAN, TODD A; HUTTON, JAMES R; KOLBE, KATHRYN; KOUMANS, MARK; LANDFRIED, PHIL A; LUCK, SCOTT A (USBP); MCALEENAN, KEVIN K; MILLER, TROY A; NUTZHORN, JOSHUA B; Owen, Todd C (AC OFO); PROVOST, CARLA (USBP); SALAZAR, JAIME; SANCHEZ1, EDUARDO; SCHORR, STEPHEN; SMITH, BRENDA BROCKMAN; VISCONTI, JAY; VITIELLO, RONALD D (USBP); WAGNER, JOHN P; Miller, Philip T; MODESTO, ALYCE M; HARDIMAN, TARA; COMMISSIONER BRIEF TEAM; MCCULLY, SHANNON; WATCH CBP INTEL; LEY, JENNIFER E.; EANES, TY; PEREZ, ROBERT E; MANDRYCK, JAMES R; SAUNDERS, IAN C.; Asher, Nathalie R; MORENO, MARCOS; LEY, JENNIFER E.; HOWE, RANDY J; PETERLIN, MEGHANN K; PAULS, TAMARA (OCC); GOLDHAMER, SANDI I; CORE, JERRIE L; HIGGINS, CHRIS A; DRAGANAC, JOSEPH; MIRANDA, EDWARD; FLORES, PETE ROMERO; Sifuentez, Joe M; ARELLANO, BONNIE J; FLANAGAN, PATRICK S; PEREZ, EFRAIN A; BP Field Chiefs; BP Field Deputies; BEESON, PAUL A; Ayala, Janice; Schultz, Karl VADM; DIRECTORS FIELD OPS; BORDER SECURITY ASST DIRECTORS; Asher, Nathalie R; HASTINGS, BRIAN S; Homan, Thomas; Edge, Peter T; Blank, Thomas; Laws, Joseph P; Brown, Erin; Baker, Nikita M; White, Jonathan (ACF); Valverde, Michael; Gnipp, Gregg (ACF); scott.lloyd; **LE** CARTER III, WILLIAM J; WILLIAMS, MARC; FABRE, JOSE M; lora.reis@uscis.dhs.gov; LEE.F.CISSNA; **LE** AMOS, ASHLEY N; DHS JTF-W J3; NIEVES, JOHN M; Drew.W.Cramer2@omb.eop.gov; Littlepage, Eric; Anderson, John; Novelliere, Alexander OFO-Incident-Management; TWYMAN, GREGORY P; MUMMERT, JOHN E; Urbine, Brandy; BOYER, STEPHEN A; Nicorvo, Richard H; JACKSON, JD; SHAFFER, KELLY A.; Johnson, Michael P.; MONCAYO, ERIK E; CBT (CBP); Johnson, Tae D; CARBERRY, JOHN B; BEALS, ALTA R.; SCHROEDER, DANIEL W; LOWRY, KIM M; HETLAGE, DANIEL; Slocum, Louisa (OCC); KOLLER, JULIE (OCC); HARRIS, RODNEY H; Seemiller, Denice; WATSON, STEPHANIE E; Patel, Visvas; MORENO, MARCOS; BLANKS, LISSETTE; Bauer, Rayna; PEREZ, EFRAIN A; CBP-MCAT-TEAM; Bible, Daniel; GILCHRIST, CHAD L; GALLEGOS, JOSE A; TREJO, JOSE L; BRODSKY, MARCY
Cc:
Subject: CBP_MCAT_REPORT for February 25, 2018
Attachments: 20180225 MCAT Daily Brief.pdf

U.S. Customs and Border Protection
February 25, 2018

Executive Summary:

The CBP Migration Crisis Action Team (MCAT) was activated November 27, 2017 to monitor and work closely with CBP field personnel and assist in managing issues with migration flow at and between the ports of entry along the Southwest border. The MCAT's objective is to increase and sustain CBP's senior level situational awareness as it relates to migration, holding, and detention issues and possible courses of action to mitigate such issues across the Southwest Border. The attached MCAT report is intended to provide situational awareness on the CBP operational tempo across the Southwest border. For any questions, please contact the MCAT at 202-325-3525.

Details:

Total	Demographic	App's / Inadmissibles (Previous Day)	Currently in Custody	Processed and Ready for Transfer
CBP Southwest Border	UAC	82	107	54
	FMUA	234	748	345
	Single Adults	748	1,171	408
	Total App's	1,064	2,026	807

Total	Demographic	Apprehensions (Previous Day)	Currently in Custody	Process Comple
USBP Southwest Border	UAC	56	83	43
	FMUA	112	510	240
	Single Adults	534	946	337
	Total App's	702	1,539	620

Total	Demographic	Inadmissibles (Previous Day)	Currently in Custody	Process Comple
OFO Southwest Border	UAC	26	24	11
	FMUA	122	238	105
	Singles	214	225	71
	Total Subjects	362	487	187

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1 MAYER BROWN LLP
 Matthew H. Marmolejo (CA Bar No. 242964)
 2 *mmarmolejo@mayerbrown.com*
 350 S. Grand Avenue
 25th Floor
 Los Angeles, CA 90071-1503
 Ori Lev (DC Bar No. 452565)
 (*pro hac vice*)
 5 *olev@mayerbrown.com*
 Stephen M. Medlock (VA Bar No. 78819)
 (*pro hac vice*)
 6 *smedlock@mayerbrown.com*
 1999 K Street, N.W.
 Washington, D.C. 20006
 Telephone: +1.202.263.3000
 Facsimile: +1.202.263.3300

9 SOUTHERN POVERTY LAW CENTER
 10 Melissa Crow (DC Bar No. 453487)
 (*pro hac vice*)
 11 *melissa.crow@splcenter.org*
 1101 17th Street, N.W., Suite 705
 Washington, D.C. 20036
 Telephone: +1.202.355.4471
 13 Facsimile: +1.404.221.5857

14 *Additional counsel listed on next page*
 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Kevin K. McAleenan,¹ *et al.*,

22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 42 TO MOTION FOR
PRELIMINARY INJUNCTION**

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Baher Azmy (NY Bar No. 2860740) (*pro hac vice*)

2 *bazmy@ccrjustice.org*

Ghita Schwarz (NY Bar No. 3030087) (*pro hac vice*)

3 *gschwarz@ccrjustice.org*

Angelo Guisado (NY Bar No. 5182688) (*pro hac vice*)

4 *aguisado@ccrjustice.org*

666 Broadway, 7th Floor

5 New York, NY 10012

Telephone: +1.212.614.6464

6 Facsimile: +1.212.614.6499

7 SOUTHERN POVERTY LAW CENTER

Mary Bauer (VA Bar No. 31388) (*pro hac vice*)

8 *mary.bauer@splcenter.org*

1000 Preston Ave.

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Rebecca Cassler (MN Bar No. 0398309) (*pro hac vice*)

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150 E. Ponce de Leon Ave., Suite 340

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13 AMERICAN IMMIGRATION COUNCIL

Karolina Walters (DC Bar No. 1049113) (*pro hac vice*)

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1331 G St. NW, Suite 200

15 Washington, D.C. 20005

Telephone: +1.202.507.7523

16 Facsimile: +1.202.742.56

From: CBP-MCAT-TEAM
Sent: Tuesday, January 22, 2019 3:19 PM
Cc: CBP-MCAT-TEAM
Subject: Field Office Queue Management Report 1.22.2018
Attachments: Field Queue Management Report 1.22.19.pdf

Good Afternoon All,

Please see attached spreadsheet with updated numbers for each field office.

January 22, 2019

Laredo Field Office											
Port of Entry	Total in Custody	% of Capacity	Do you have any UDA's in line waiting on the Mexico side? If yes, how many?	Are you directing UDA's to other Ports of Entry? If yes, which Port of Entry?	Total number of pedestrian traffic for FY19 YTD	Total number of pedestrian traffic for FY18	Number of asylum seekers processed the previous day	30 day average of asylum seekers processed	FY 2019 asylum seekers	FY 2018 asylum seekers	Number of others picked up by ICE/ERO
Brownsville	23	23%	0	No	889,558	1,030,175	11	10	2335	2945	2
Progreso	0	0%	0	Redirecting to Brownsville as necessary	298,130	994,234	0	1	57	131	0
Hidalgo	18	45%	0	No	708,904	2,519,926	11	11	2218	4759	5
Rio Grande	4	34%	0	Redirecting to Hidalgo as necessary	12,681	53,432	1	0	88	295	0
Reina	1	6%	0	Redirecting to Hidalgo as necessary	76,193	231,725	1	1	101	1561	0
Laredo	41	33%	28	No	1,337,165	4,919,111	16	25	2776	5775	0
Eagle Pass	16	114%	0	No	242,884	1,062,667	4	9	965	2505	21
Del Rio	23	79%	0	No	28,690	113,292	11	6	524	147	1
Total Average	124	41%	28		1,601,543	12,916,850	62	63	4,921	15,104	23
Percentages compared to FY 2018					27.99%				45.8%		

El Paso Field Office											
Port of Entry	Total in Custody	% of Capacity	Do you have any UDA's in line waiting on the Mexico side? If yes, how many?	Are you directing UDA's to other Ports of Entry? If yes, which Port of Entry?	Total number of pedestrian traffic for FY19 YTD	Total number of pedestrian traffic for FY18	Number of asylum seekers processed the previous day	30 day average of asylum seekers processed	FY 2019 asylum seekers	FY 2018 asylum seekers	Number of others picked up by ICE/ERO
Port of El Paso	105	91%	10	No	3,284,454	7,319,480	16	46	4422	5051	54
Santa Teresa	0	0%	0	No	23,367	147,145	6	3	406	768	3
Columbus	0	0%	0	No	41,543	187,686	6	0	79	33	0
Tecunillo	0	0%	0	No	11,561	38,435	0	0	18	32	1
Presidio	1	8%	0	No	46,840	241,534	0	2	149	148	0
Total Average	106	20%	10		2,402,315	8,029,294	22	51	5,075	6,332	58
Percentages compared to FY 2018					30.14%				74.28%		

Tucson Field Office											
Port of Entry	Total in Custody	% of Capacity	Do you have any U/DAs in line waiting on the Mexico side? If yes, how many?	Are you directing U/DAs to other Ports of Entry? If yes, which Port of Entry?	Total number of pedestrian traffic for FY19 YTD	Total number of pedestrian traffic for FY18	Number of asylum seekers processed the previous day	30 day average of asylum seekers processed	FY 2019 asylum seekers	FY 2018 asylum seekers	Number of aliens picked up by ICE/ERO
Douglas	0	0%	0	No	271,446	310,514	0	9	941	102	2
Lukeville	0	0%	0	No	11,792	69,086	0	0	9	16	0
Naco	0	0%	0	No	1,314	53,576	0	0	16	4	0
Nogales	24	43%	0	No	931,748	1,554,943	24	18	2183	2808	18
San Luis	11	18%	0	No	847,895	2,619,265	8	4	590	890	6
Total Average	35	10%	0		2,054,145	3,117,589	27	25	3,159	3,920	28
Percentages compared to FY 2018					29.10%			80.06%			

San Diego Field Office											
Port of Entry	Total in Custody	% of Capacity	Do you have any U/DAs in line waiting on the Mexico side? If yes, how many?	Are you directing U/DAs to other Ports of Entry? If yes, which Port of Entry?	Total number of pedestrian traffic for FY19 YTD	Total number of pedestrian traffic for FY18	Number of asylum seekers processed the previous day	30 day average of asylum seekers processed	FY 2019 asylum seekers	FY 2018 asylum seekers	Number of aliens picked up by ICE/ERO
San Ysidro	197	69%	1500	No	5,042,188	3,981,870	47	56	5998	9821	31
Otay Mesa	0	0%	0	Rederived to San Ysidro	1,106,699	1,717,617	0	7	155	581	0
Tecate	0	0%	0	Rederived to San Ysidro	266,489	315,259	8	0	28	24	0
Calais West	43	60%	104	No	1,251,092	4,388,191	0	8	901	1719	7
Calais East	0	0%	0	If encountered they will be referred to Calais West	148,419	494,045	7	0	32	267	0
Andrade	0	0%	0	If encountered they will be referred to Calais West	308,810	910,595	0	0	7	21	0
Total Average	140	27%	2,604		6,173,537	19,304,738	55	66	7,116	12,433	38
Percentages compared to FY 2018					31.71%			57.26%			

OPO SWB											
Total Average	605	27%	2,662		14,213,280	47,162,271	160	205	12,251	38,269	137
Percentages compared to FY 2018					30.08%			53.12%			

U.S. Customs and Border Protection
Migrant Crisis Action Team (M-CAT)

January 22, 2019

Laredo Field Office

Port of Entry	Total in Custody	% of Capacity	Do you have any UDAs in line waiting on the Mexico side? If yes, how many?	Are you directing UDAs to other Ports of Entry? If yes, which Port of Entry?	Total number of pedestrian traffic for FY19 YTD.	Total number of pedestrian traffic for FY18.	Number of asylum seekers processed the previous day	30 day average of asylum seekers processed	FY 2019 asylum seekers	FY 2018 asylum seekers	Number of aliens picked up by ICE/ERO
Brownsville	22	32%	0	No.	899,056	3,020,375	11	10	1193	1945	2
Progreso	0	0%	0	Redirecting to Brownsville as necessary.	298,120	994,234	0	1	57	131	0
Hidalgo	18	43%	0	No.	708,904	2,519,926	11	11	1218	4255	5
Rio Grande	4	25%	0	Redirecting to Hidalgo as necessary.	12,031	53,122	1	0	65	195	0
Roma	1	6%	0	Redirecting to Hidalgo as necessary.	76,193	231,723	2	1	101	1061	0
Laredo	41	33%	26	No	1,337,765	4,919,511	16	25	2778	5775	0
Eagle Pass	16	114%	0	No	242,804	1,062,667	9	9	985	1595	11
Del Rio	22	79%	0	No	28,690	115,292	11	6	524	147	1
Total/Average	124	41%	26		3,603,563	12,916,850	61	63	6,921	15,104	19
Percentages compared to FY 2018					27.90%				45.82%		

El Paso Field Office

Port of Entry	Total in Custody	% of Capacity	Do you have any UDAs in line waiting on the Mexico side? If yes, how many?	Are you directing UDAs to other Ports of Entry? If yes, which Port of Entry?	Total number of pedestrian traffic for FY19 YTD	Total number of pedestrian traffic for FY18	Number of asylum seekers processed the previous day	30 day average of asylum seekers processed	FY 2019 asylum seekers	FY 2018 asylum seekers	Number of aliens picked up by ICE/FRO
Port of El Paso	105	91%	30	No	2,288,404	7,319,489	16	46	4422	5851	50
Santa Teresa	0	0%	0	No	23,367	147,145	6	3	406	768	3
Columbus	0	0%	0	No	81,543	282,686	0	0	79	33	0
Tornillo	0	0%	0	No	11,961	38,438	0	0	19	32	1
Presidio	1	8%	0	No	46,840	241,536	0	2	149	148	0
Total/Average	106	20%	30		2,452,115	8,029,294	22	51	5,075	6,832	54
Percentages compared to FY 2018					30.54%				74.28%		

Tucson Field Office

Port of Entry	Total in Custody	% of Capacity	Do you have any UDAs in line waiting on the Mexico side? If yes, how many?	Are you directing UDAs to other Ports of Entry? If yes, which Port of Entry?	Total number of pedestrian traffic for FY19 YTD	Total number of pedestrian traffic for FY18	Number of asylum seekers processed the previous day	30 day average of asylum seekers processed	FY 2019 asylum seekers	FY 2018 asylum seekers	Number of aliens picked up by ICE/FRO
Douglas	0	0%	0	No	272,446	820,518	0	3	341	202	2
Lukeville	0	0%	0	No	13,792	69,086	0	0	9	16	0
Naco	0	0%	0	No	7,354	53,576	0	0	16	4	0
Nogales	24	47%	0	No	932,748	3,554,943	24	18	2183	2808	18
San Luis	11	58%	0	No	847,805	2,629,266	3	4	590	890	6
Total/Average	35	21%	0		2,074,145	7,127,389	27	25	3,139	3,920	26
Percentages compared to FY 2018					29.10%				80.08%		

San Diego Field Office											
Port of Entry	Total in Custody	% of Capacity	Do you have any UDAs in line waiting on the Mexico side? If yes, how many?	Are you directing UDAs to other Ports of Entry? If yes, which Port of Entry?	Total number of pedestrian traffic for FY19 YTD	Total number of pedestrian traffic for FY18	Number of asylum seekers processed the previous day	30 day average of asylum seekers processed	FY 2019 asylum seekers	FY 2018 asylum seekers	Number of aliens picked up by ICE/FRO
San Ysidro	297	99%	2500	No.	3,042,388	8,981,830	47	56	5998	9821	31
Otay Mesa	0	0%	0	Referred to San Ysidro.	1,106,699	3,717,617	0	2	155	581	0
Tecate	0	0%	0	Referred to San Ysidro.	266,689	815,259	6	0	23	24	0
Calexico West	43	64%	106	No.	1,252,092	4,388,192	0	8	901	1719	7
Calexico East	0	0%	0	If encountered they will be referred to Calexico West.	148,839	494,945	2	0	32	267	0
Andrade	0	0%	0	If encountered they will be referred to Calexico West.	306,850	910,895	0	0	7	21	0
Total/Average	340	27%	2,606		6,123,557	19,308,738	55	66	7,116	12,433	38
Percentages compared to FY 2018					31.71%				57.23%		
OFO SWB											
Total/Average	605	27%	2,662		14,253,380	47,382,271	165	205	22,251	38,289	137
Percentages compared to FY 2018					30.08%				58.11%		

1 MAYER BROWN LLP
 Matthew H. Marmolejo (CA Bar No. 242964)
 2 *mmarmolejo@mayerbrown.com*
 350 S. Grand Avenue
 3 25th Floor
 Los Angeles, CA 90071-1503
 4 Ori Lev (DC Bar No. 452565)
 (*pro hac vice*)
 5 *olev@mayerbrown.com*
 Stephen M. Medlock (VA Bar No. 78819)
 6 (*pro hac vice*)
smedlock@mayerbrown.com
 7 1999 K Street, N.W.
 Washington, D.C. 20006
 8 Telephone: +1.202.263.3000
 Facsimile: +1.202.263.3300
 9

10 SOUTHERN POVERTY LAW CENTER
 Melissa Crow (DC Bar No. 453487)
 (*pro hac vice*)
 11 *melissa.crow@splcenter.org*
 1101 17th Street, N.W., Suite 705
 12 Washington, D.C. 20036
 Telephone: +1.202.355.4471
 13 Facsimile: +1.404.221.5857

14 *Additional counsel listed on next page*
 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

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20 v.

21 Kevin K. McAleenan,¹ *et al.*,

22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 43 TO MOTION FOR
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Telephone: +1.212.614.6464

6 Facsimile: +1.212.614.6499

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8 *mary.bauer@splcenter.org*

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11 *rebecca.cassler@splcenter.org*

150 E. Ponce de Leon Ave., Suite 340

12 Decatur, GA 30030

13 AMERICAN IMMIGRATION COUNCIL

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14 *kwalters@immcouncil.org*

1331 G St. NW, Suite 200

15 Washington, D.C. 20005

Telephone: +1.202.507.7523

16 Facsimile: +1.202.742.56

LAREDO FIELD OFFICE CONTINGENCY PLAN

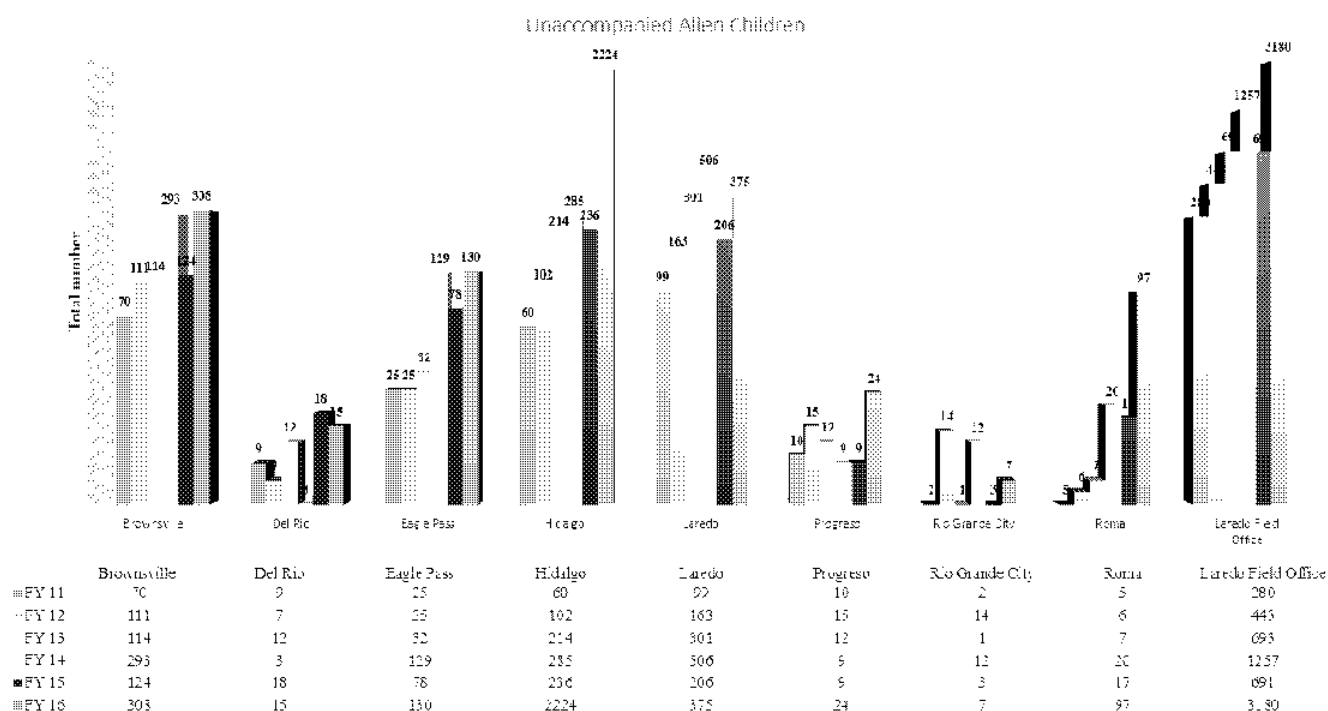
To ensure port management is provided the necessary resources to address the influx of unaccompanied alien children, family units, or other alien populations expressing fear of returning to Mexico and/or country of origin and minimize the impact to legitimate trade and travel.

*Mass Migration –
Influx of
Unaccompanied
Alien Children,
Family Units, or
Other Alien
Populations*

**Laredo Field Office
Mass Migration Contingency Plan
Updated: August 31, 2017**

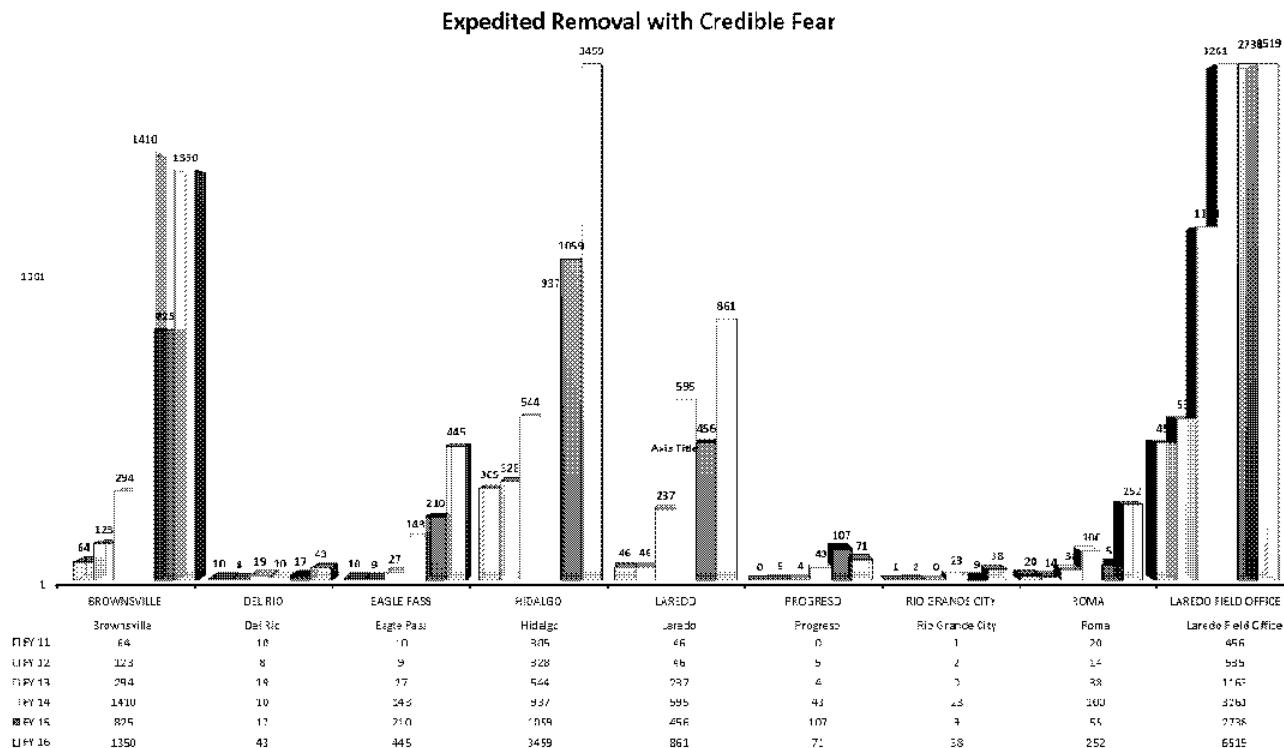
I. SITUATION

The number of unaccompanied alien children (UACs) processed by Laredo Field Office (LFO) ports of entry has increased significantly in recent years. From fiscal year (FY) 2011 to 2016 the LFO logged a 1,036% increase in UAC encounters. In comparison to the LFO's previous high-water mark year, FY2014, UAC encounters were up 153% in FY2016. And over the most recent FYs for which complete data is available, 2015-2016, the LFO noted an increase of 360%.



Due to significant increases in UAC encounters at LFO ports of entry, and apprehensions by the United States Border Patrol (USBP) in the LFO area of responsibility (Del Rio, Laredo, and Rio Grande Valley Border Patrol Sectors), delays in obtaining placement with the U.S. Department of Health and Human Services – Office of Refugee Resettlement (ORR) have increased as well, causing operational challenges as the ports must maintain custodial care of the UACs for longer periods of time.

Increases in persons and family units (FMUs) claiming “credible fear” are correlated to increases in UAC numbers. From FY2011 to FY2016 the LFO saw a 1,330% increase in fear claims. From FY2014 to FY2016 the LFO experienced a 100% increase, and during the most recent years for which complete data is available, FY2015 to FY2016, the LFO logged an increase of 138%.



The UACs and FMUs originate primarily from three Other-Than-Mexico (OTM) countries: El Salvador, Guatemala and Honduras.

LFO ports of entry do not have adequate facilities, infrastructure, equipment or staffing to accommodate the large number of arriving UACs and family units claiming fear of returning to Mexico or their country of origin.

II. MISSION

The Director Field Operations (DFO), Laredo will ensure undocumented aliens, specifically UACs and FMUs expressing fear of returning to Mexico and/or their country of origin or last residence are processed in accordance with existing laws and policy, and are treated with respect and concern. The provisions of CBP Directive No. 3340-043, *The Exercise of Discretionary Authority* and CBP Directive No. 3340-030B, *Secure Detention, Transport and Escort Procedures at Ports of Entry* will be strictly adhered to. The DFO will also ensure that lines of communication remain constant at all levels to minimize the time UACs and family units spend at LFO ports of entry, and port managers

are provided the resources necessary to address the influx of UACs and family units, and minimize the impact to legitimate trade and travel.

III. EXECUTION

A. The DFO will:

1. Exercise the responsibility to control the flow of people across our borders.
2. Ensure terrorists, terrorist weapons; narcotics, criminal aliens, prohibited goods, and other illegal merchandise are prevented from entering the United States.
3. Ensure that the security of the inspectional process is sufficient to identify frivolous or fraudulent applications for admission or discretion.
4. Ensure that bona fide applicants for admission are processed expeditiously.
5. Guarantee humane treatment of migrants and ensure due process under the Immigration and Nationality Act (INA).
6. Require port directors to identify port detention capacities, operational thresholds, and specific trigger points necessitating outside assistance.

See Annex A through H.

B. The DFO will implement a phased approach to manage the mass migration.

1. Phase I – Organic Capabilities Sustained
 - i. Mass migration does not exceed the operational capabilities of affected POEs.
 - ii. Affected POEs will detain and process migrants under standard operational procedures.
2. Phase II – Organic Capabilities Strained
 - i. Mass migration exceeds the capacity of at least one POE, as identified in port-specific annexes.
 - ii. With DFO concurrence, Port Director of affected POE will coordinate with neighboring POEs for assistance.

- iii. With DFO concurrence, Port Director of affected POE will coordinate with neighboring USBP stations for assistance.
- iv. Port Director of affected POE will activate Tactical Enforcement Officers (TEOs) and increase port's security posture.
- v. DFO will begin coordination with ORR, ERO, and the STC, to prepare for potential event expansion.
- vi. Port Directors will establish communication with Government of Mexico (GoM) to elicit information about mass migration.
- vii. DFO will place processing jump teams on hot standby.
- viii. LFO Special Response Team (SRT) members will be placed on hot standby.

3. Phase III – Organic Capabilities Exceeded

- i. Mass migration exceeds the capacity of multiple POEs.
- ii. LFO SRT will be activated.
- iii. LFO processing jump teams will be activated.
- iv. Port Directors coordinate with USBP, CBP Office of Air and Marine (OAM), and other local law enforcement agencies (LEAs) to help maintain port security.
- v. DFO staffs non-24/7 international crossings after hours for processing.
- vi. DFO requests assistance from South Texas Corridor (STC) Commander.
- vii. DFO requests TDY personnel from outside the South Texas corridor.

4. Phase IV – Organic Capabilities Overwhelmed

- i. Mass migration overwhelms the processing, transportation, and detention capacities of CBP components in South Texas (OFO and USBP).
- ii. DFO, in conjunction with OFO headquarters, explores alternative admissibility processing measures.

- iii. DFO, in conjunction with STC Commander, requests DHS assistance through CBP headquarters.

IV. ADMINISTRATION

A. Cost Estimates/Funding Issues:

1. Supplemental overtime funding will be required to support issues outside normal daily operations.
2. Affected ports will assess overtime and resource requirements (food, hygiene supplies, sanitation contracts, etc.) contingent on surge events.
3. As needed, DFO will request overtime cap waivers.
4. Supplemental OIT support will be required.

B. Travel:

1. Travel and per diem expenses may be required.
2. Specific TDY support will be event-dependent and assessed by the affected port directors.

C. Lodging:

1. Lodging expenses may be required.
2. Specific lodging requirements will be event-dependent and assessed by the affected port directors.

D. Reception of Detailed Personnel:

Port Directors will be responsible for receiving detailed personnel, providing operational briefing, providing work assignments, etc.

E. Uniform and Equipment:

1. All CBP personnel will wear approved uniform and will be equipped in accordance with existing protocol and policy. All specialty units will wear authorized uniforms utilized by their respective units.
2. CBP personnel will be required to follow all established DHS/CBP policy and guidelines. All armed CBP personnel will carry the standard issued

CBP sidearm and approved intermediate force weapons and will comply with all CBP use of force policies and regulations.

3. Utilization of body armor and the carrying of long-arms are encouraged for officer safety.

F. Special Equipment:

All personnel detailed to this operation will be equipped by their duty station with CBP approved equipment.

G. Alien Processing:

All undocumented aliens to include unaccompanied alien children will be processed in accordance with established procedures and at designated locations. Port Directors will coordinate with the Assistant United States Attorney's (AUSA) Office if prosecution is deemed necessary.

H. Medical:

1. In the event of a medical emergency, all emergency medical protocols will be initiated by CBP personnel on scene.
2. All medical emergencies will be transported to the nearest medical facility. Port Directors will maintain an updated list of addresses, phone numbers and trauma levels of hospitals in their area of responsibility.

I. Detention / Transportation:

Detention and transportation responsibilities will be conducted in accordance with existing CBP policy. All detained subjects will be detained and transported in relation to the category in which they were processed under. Port Directors will provide detailed instructions to assigned personnel on detention and transportation policies.

J. Vehicles:

GOVs will be fueled as per existing port and field office policies.

V. COMMAND/CONTROL/COMMUNICATION

A. Chain of Command:

1. David P. Higgeson, Director Field Operations, Laredo
2. Frank S. Longoria, Assistant Director Field Operations – Border Security

B. Unit Command:

Port Directors will maintain tactical control and coordinate all day-to-day assignments and schedule the appropriate manpower for field operations.

C. Communications Details:

The primary means of communication will be via telephone.

D. Map Coordinates:

Not Applicable

E. Media Plan:

The LFO Public Affairs Officer (PAO), in coordination with CBP Office of Public Affairs (OPA), will coordinate responses to media inquiries and other media and public messaging.

F. Air Plan:

The LFO will coordinate with local OAM branches to secure operational support such as aerial observation of the POEs and surrounding areas, aerial reconnaissance of routes of ingress, transportation of SRT, etc.

G. Health and Safety Annex:

The DFO will ensure that the Laredo Field Office Standard Operating Procedures for Serious Communicable and Quarantinable Diseases are followed by all CBP employees.

H. Legal Advisement:

The LFO and ports of entry will refer all legal matters to their local Office of Chief Counsel.

Annexes

- A. Port of Brownsville Port Specific Plan
- B. Port of Del Rio Port Specific Plan
- C. Port of Eagle Pass Port Specific Plan
- D. Port of Laredo Port Specific Plan
- E. Port of Hidalgo/Pharr/Anzalduas Port Specific Plan
- F. Port of Rio Grande City Port Specific Plan
- G. Port of Progreso Port Specific Plan
- H. Port of Roma Port Specific Plan
- I. Standard Operating Procedures – Serious Communicable and Quarantinable Diseases
- J. Temporary Holding Cell Capacities
- K. UAC Statistics
- L. Expedited Removal Credible Fear (ERCF) Statistics
- M. Laredo Field Office International Crossings (Types and Hours of Operation)

Annex A
Port of Brownsville, Laredo Field Office (LFO)
Contingency Plan Addressing Possible Mass Migration Influxes

I. Situation:

- A. During FY2016 the Port of Brownsville saw an approximate 50% increase in applicants seeking entry into the United States without lawful entry documentation. The port is anticipating a continued increase from FY17 to FY18.
- B. Most of the applicants that are seeking asylum in the United States, are expressing a fear (Credible Fear/CF) of returning to their home country, and/or want to reunite with a parent/family member in the United States.
- C. Applicants the Port of Brownsville are encountering, are from Caribbean basin (i.e. Cuba, Haiti), Central & South America (i.e. Brazil, El Salvador, Guatemala, and Honduras), and the African Continent (i.e. Somalia, Eritrea, Guinea, Mali). In the past two months, the Port of Brownsville has encountered a new trend of Romanian Families (one parent and child/children with the other parent and other child/children following later).
- D. A significant number of the applicants are other than Mexican (OTM).
- E. The current influx impacts port operations, i.e. long term detention duties, medical escorts, security duties, personal hygiene, feeding, laundry duties, and transportation (airports, shelters, way stations, detention centers, etc.).
- F. For cases that are completed, the Port of Brownsville relies upon ICE/ERO or ORR to allocate space in long-term detention facilities. The current volume of detainees is placing a significant strain on ICE/ERO and ORR detention capacity.
- G. The Port of Brownsville does not have the facilities, infrastructure, equipment, or personnel necessary to accommodate a large number of arriving aliens for extended detention periods.

II. Mission:

- A. The Port of Brownsville will effectively manage a mass migration event and/or a sustained migration occurring at the port of entry.
- B. The mass migration will be managed while maintaining continuity of operations (COOP).
- C. The purpose of this plan is to mitigate the risk to life from a mass migration event, and to ensure that the borders are secured while ensuring that legitimate trade and travelers continue to cross our borders without significant delays. These incident management strategies are designed to facilitate CBP's ability to mitigate against, prepare for, and respond to the impact of such events under extreme circumstances.

- D. Minimize UAC and OTM time in CBP custody.
- E. The Brownsville port of entry has established a secondary organic overflow avenue for processing and staging.

III. Execution:

- A. The Port Director will:
 - 1. Exercise the responsibility to control the flow of people across our borders.
 - 2. Ensure terrorists, terrorist weapons, narcotics, criminal aliens, prohibited goods, and other illegal merchandise are prevented from entering the United States.
 - 3. Ensure that the security of the inspection process is sufficient to identify frivolous or fraudulent applications for admission or discretion.
 - 4. Ensure that bona fide applicants for admission are processed expeditiously.
 - 5. Guarantee humane treatment of migrants and ensure due process under the Immigration and Nationality Act (INA).
 - 6. Identify the port's detention capacities, operational thresholds, and specific trigger points requiring outside assistance.
- B. The Port Director will implement a phased approach to manage the mass migration.
 - 1. Phase I – Organic Capabilities Sustained
 - i. Mass migration does not exceed the operational capabilities of the Port of Brownsville.
 - ii. The Port of Brownsville will detain and process migrants under standard operational procedures.
 - 2. Phase II – Organic Capabilities Strained
 - i. Mass migration exceeds the capacity of the Port of Brownsville.
 - ii. Port Director and/or designee will:
 - a. Coordinate with the Ports of [] LE [] or assistance.
 - b. Coordinate with [] LE [] USBP stations for assistance.

- c. Activate Tactical Enforcement Officers (TEOs) and increase port's security posture.
- d. Begin coordination with ORR, ERO, and the STC, to prepare for potential event expansion.
- e. Establish communication with the Government of Mexico (GoM) to elicit information about mass migration.
- f. Test overflow processing work stations in anticipation of LFO jump team deployment.

3. Phase III – Organic Capabilities Exceeded

- i. Mass migration exceeds the capacity of port facilities.
- ii. Port Director will coordinate with USBP, CBP Office of Air and Marine (OAM), and other local law enforcement agencies (LEAs) to help maintain port security.
- iii. Port Director will staff non-24/7 international crossings after hours for processing.
- iv. Port Director will assign deployed jump teams to appropriate port locations.
- v. Port Director will initiate Secondary Processing and Detention facility at Los Indios Trade Office, dock space, and warehouse.
- vi. Port Director will coordinate with ORR and ERO for assistance with transporting aliens out of the area.

4. Encounter

- i. Staging
 - a. The Port has established pre-staging/staging wait areas at each land border crossings under area of responsibility.
- ii. Triage/Categorizing
 - a. UACs
 - b. Family Units
 - c. Adults
- iii. Initial Medical Screening
 - a. Pregnant
 - b. Communicable Diseases

- c. Special Needs (i.e. Physically Handicapped or Mentally Disabled)

5. Processing

i. Holding Areas

- a. The port has the following holding cells available:
 - i. Gateway Bridge has two (2) cells in Passport Control Secondary with a total capacity of 15 detainees. In addition, Gateway Bridge has one cell in the Vehicle Secondary Building with a capacity of seven (7) detainees; and two (2) cells in Pedestrian Processing with a capacity of 11 detainees.
 - ii. B&M Bridge has two (2) cells in Passport Control Secondary with a total capacity of 20 detainees. In addition, B&M Bridge has one (1) cell in the Vehicle Secondary Building with a capacity of three (3) detainees; and two cells in Pedestrian Processing with a capacity of 13 detainees.
 - iii. Veterans Bridge has two (2) cells in Passport Control Secondary with a total capacity of 15 detainees. In addition, Veterans Bridge has one (1) cell in the Vehicle Secondary Building with a capacity of two (2) detainees; and two (2) cells in Pedestrian Processing with a capacity of 12 detainees.
 - iv. Los Indios Bridge has two (2) cells in Passport Control Secondary with a total capacity of 19 detainees. In addition, Los Indios Bridge has one (1) cell in the Vehicle Secondary Building with a capacity of five (5) detainees; and two (2) cells in Pedestrian Processing with a capacity of 15 detainees.
- b. In addition to the holding cells, the port currently has the capacity to stage approximately 239 persons in the passport control lobby areas (Gateway-88, Brownsville & Matamoros Bridge-51, Veteran's-52, and Los Indios-48). These figures are based on formulas used by GSA fire code for the maximum amount of persons per square foot for the purposes of staging. An additional overflow processing area has been designated at the Los Indios Trade Office for processing. The maximum capacity of the overflow

processing area is approximately 300 persons. This area will only be used when the port has reached the maximum occupancy levels listed above for all bridges.

- ii. **Processing Capacity:** The port currently has twenty-eight workstations with the capacity to process cases. (Gateway PCS 4 and 5 counters, Brownsville and Matamoros Bridge PCS 3 and 5 counters, Veteran's PCS 4 and 4 counters, and Los Indios PCS 3 and 5 counters). The number of workstations available may be affected if interview rooms are used to house unaccompanied alien children (UACs). In addition to these areas, an additional area has been designated at Los Indios Trade facility for an additional 17 processing stations to include [REDACTED] LE [REDACTED]. The holding area has an approximate capacity to stage 300 people.
 - iii. **Processing Times:** Based on the workstations available and absent any language barriers (i.e. other than English or Spanish), the port has a capacity to process approximately 300 cases every 24 hours with an average processing time of 2.5 hours per terminal.
6. **Transportation**
- i. **Detention before Transportation-** The port has the capacity to accommodate 41 UACs and securely detain 48 adults within its interview rooms and detention cells.
 - ii. G4S will be contacted for transport after placement has been authorized by ERO.
 - iii. Organic resources will be utilized for transport after placement has been authorized by ERO.
 - iv. OBP will be contacted for assistance in the transportation of detainees to ERO.

IV. Administration:

- A. The Brownsville Operations Center will be fully staffed and operational.
 - 1. Contact Numbers for the Brownsville Operations Center:
 - i. [REDACTED] LE [REDACTED]
 - 2. All reporting will be consolidated at the LFO and forwarded to appropriate higher commands.
- B. To the extent possible, operations will be executed utilizing organic port resources and personnel.
- C. Resource requirements will be identified and relayed to the LFO:

1. Cost Estimates / Funding Issues

- i. Supplemental overtime funding and/or other funding issues outside normal operations will be required.
- ii. Specific overtime and resource requirements (food, hygiene supplies, sanitation contracts, etc.) will be event-dependent and assessed by Port Director.
- iii. Port Director will request overtime cap waivers for appropriate port personnel.
- iv. Supplemental OIT support will be required.

2. Travel

- i. Travel and per diem expenses may be required.
- ii. Specific TDY support will be event-dependent and assessed by the Port Director.

3. Lodging

- i. Lodging expenses may be required.
- ii. Specific lodging requirements will be event-dependent and assessed by the Port Director.

4. Reception of Detailed Personnel

- i. Port Director will be responsible for receiving detailed personnel, providing operational briefing, providing work assignments, granting system accesses, etc.

5. Uniform and Equipment

- i. All CBP personnel will wear approved uniform and will be equipped in accordance with existing protocol and policy. All specialty units will wear authorized uniforms utilized by their respective units.
- ii. CBP personnel will be required to follow all established DHS/CBP policy and guidelines. All armed CBP personnel will carry the standard issued CBP sidearm and approved intermediate force weapons and will comply with all CBP use of force policies and regulations.
- iii. Utilization of body armor and the carrying of long-arms are encouraged for officer safety.

6. Special Equipment

- i. All personnel detailed to this operation will be equipped by their duty station with CBP approved equipment.

7. Alien Processing

- i. All illegal aliens apprehended within the POEs will be processed in accordance with established procedures and at designated locations. Port Director will coordinate with the United States Attorney's Office (USAO) if prosecution is deemed necessary.

8. Medical

- i. In the event of a medical emergency, all emergency medical protocols will be initiated by CBP personnel on scene.
- ii. All medical emergencies will be transported to the nearest medical facility. Port Director will maintain an updated list of addresses, phone numbers and trauma levels of hospitals in their area of responsibility.
- iii. In those cases where detainees require medical clearance (non-emergency) prior to acceptance for placement by ICE/ERO or ORR, the detainee will be taken to the nearest medical facility and escorted in accordance with CBP policy.

9. Detention / Transportation

- i. Detention and transportation responsibilities will be conducted in accordance with existing CBP policy. All detained subjects will be detained and transported in relation to the category in which they were processed under. Port Director will provide detailed instructions to assigned personnel on detention and transportation policies.

10. Vehicles

- i. GOVs will be fueled as per existing port and field office policies.

V. Command / Control / Communications:

- A. The Port Director or his designee will act as the incident commander.
- B. The Port Director will coordinate with the STC, LFO, OFO headquarters, and the Government of Mexico (GoM) as necessary.
- C. Port Director, or his/her designee, will have operational/tactical control and command authority over respective CBP components involving, organizing, and

employing commands, assigning tasks, designating objectives and giving authoritative direction necessary to accomplish area objectives while maintaining tactical and operational control of their assets.

D. Communication will occur throughout the LFO under the purview of existing policy and capabilities. All communications will be carried out in the encrypted mode.

E. Point of Contact

1. Petra Horne, Port Director

Office: (956) 983-5801

Cell: (956) 703-3583

2. Bob Parker, Deputy Port Director

Office: (956) 983-5628

Cell: (956) 223-3477

3. Adriana Gonzalez, Assistant Port Director – Border Security

Office: (956) 548-2540, ext. 1501

Cell: (956) 592-4221

4. Jose Aguilar, Assistant Port Director – Border Security

Office: (956) 983-5706

Cell: (956) 465-8389

5. Watch Commanders

Sylvia Gutierrez

Cell: (956) 285-4840

Chris Kishore

Cell: (956) 284-7054

Maria L. Kishore

Cell: (956) 204-4400

Michael Martinez

Cell: (956) 459-9370

Laura Rohrbough

Cell: (956) 443-8467

Appendices

Media Plan:

The LFO Public Affairs Officer (PAO), in coordination with CBP Office of Public Affairs (OPA), will coordinate responses to media inquiries and other media and public messaging.

Primary Local PAL	Elias Rodriguez (BRO)	(956) 455-0490
Secondary Local PAL	Jacqueline Bruce (BRO)	(956) 465-6874
LFO PAO	Mucia Dovalina	(956) 753-1703
CBP OPA PAO	Rick Pauza	(956) 764-3425

Air Plan:

The LFO will coordinate with local OAM branches to secure operational support such as aerial observation of the POEs and surrounding areas, aerial reconnaissance of routes of ingress, transportation of SRT, etc.

Health and Safety Annex:

The Port Director will ensure that the Laredo Field Office Standard Operating Procedures for Serious Communicable and Quarantine Diseases are followed by all CBP employees.

Contacts:

Law Enforcement:

- Brownsville Police Dept. 956-548-7000
 - Liaison: J.J. Trevino 956-548-7121
- Cameron County Sheriff's Office 956-544-0860
 - Liaison: "Norma" 956-544-6700
- Cameron County 956-547-7000
 - Liaison: Tom Hushen 956-547-7000
- Texas Department of Public Safety 956-565-7500/7600
 - Liaison: Tony Pena 956-270-0728/565-7120
- University of Texas/Brownsville 956-882-2222/882-7788
 - Liaison: Raul Munquia 956-882-2222/882-7788
- OBP RGV Sector 956-289-4800
 - Liaison: Evan Adamson 956-289-5621
 - Liaison: Marlene Castro 956-289-4993
- OBP Ft. Brown 956-983-7183
 - Liaison: Sup. Oscar Garcia III 956-983-7126
- OBP Brownsville 956-983-7183
 - Liaison: Duty Supervisor 956-983-983-7183
- OBP Harlingen 956-366-3154/3051
 - Liaison: Orlando Sierra 956-366-3154/3051

- OBP BORTAC Liaison 956-592-6060
 - Liaison: Omar Escalan 956-592-6060
- OAM Liaison 956-972-6350
 - Liaison: Asst. Dept. Mario Sanchez 956-972-6350
- HSI Liaison 956-542-7831
 - Liaison: Adelina Pruneda 210-321-2811/889-5204
 - Liaison: Sector 1-800-973-2867

EMS/Hospitals:

Valley Baptist Medical Center/Brownsville
1040 W Jefferson St
Brownsville TX
(956) 698-5400

Valley Regional Medical Center
100 E. Alton Gloor Blvd.
Brownsville, Texas 78526
(956) 350-7000

Valley Baptist Medical Center-Harlingen
2101 Pease St.
Harlingen, Texas 78520
(956) 389-1100

Weslaco Knapp Medical Center
1401 E. 8th St.
Weslaco, Texas
(956) 968-8567

McAllen Medical Center
301 W. Expressway 83
McAllen, Texas
(956) 632-4000

Mission Regional Medical Center
900 S. Bryan
Mission, Texas
(956) 323-9000

Rio Grande Regional
101 E. Ridge Rd.
McAllen, Texas
(956) 632-6000

Valley Day and Night Clinic
3302 Boca Chica Blvd.

Brownsville, Texas
(956)-982-1001

Valley Day and Night Clinic
1755 W. Price Rd.
Brownsville, Texas
(956) 546-1000

Government of Mexico

- CISEN : (011) 52 1868 828-2159
- Mexican Customs: (011) 52 868 191-0574/(011) 52 165 110-03295
- Mexican Immigration: (011) 52 868 812-0251
- Mexican Consul: 956-459-8467

Annex B
Port of Del Rio, Laredo Field Office (LFO)
Contingency Plan Addressing Possible Mass Migration Influxes

I. Situation:

- A. During FY17 the Port of Del Rio has encountered applicants seeking entry into the United States without lawful entry documentation seeking asylum in the United States, expressing a fear (Credible Fear/CF) of returning to their home country, and/or wanting to reunite with a parent/family member in the United States.
- B. A significant number of the applicants are other than Mexicans (OTMs) and arriving as unaccompanied alien children (UACs) and family units.
- C. The Port of Del Rio does not have the facilities, infrastructure, equipment or personnel necessary to accommodate a large number of arriving aliens for extended detention periods.

II. Mission:

- A. The Port of Del Rio will effectively manage a mass migration event and/or a sustained migration occurring at the port of entry.
- B. The mass migration will be managed while maintaining continuity of operations (COOP).
- C. The purpose of this plan is to mitigate the risk to life from a mass migration event, and to ensure that the borders are secured while ensuring that legitimate trade and travelers continue to cross our borders without significant delays.
- D. Minimize UAC and OTM time in CBP custody.

III. Execution:

- A. The Port Director will:
 - 1. Exercise the responsibility to control the flow of people across our borders.
 - 2. Ensure terrorists, weapons of terror, narcotics, criminal aliens, prohibited goods, and other illegal merchandise are prevented from entering the United States.
 - 3. Ensure that the security of the inspection process is sufficient to identify frivolous or fraudulent applications for admission or discretion.
 - 4. Ensure that bona fide applicants for admission are processed expeditiously.

5. Guarantee humane treatment of migrants and ensure due process under the Immigration and Nationality Act (INA).
 6. Identify the port's detention capacities, operational thresholds, and specific trigger points requiring outside assistance.
- B. The Port Director will implement a phased approach to manage the mass migration.
1. Tier I – Sustained Operational Capabilities
 - i. Mass migration does not exceed the operational capabilities of the Port of Del Rio.
 - ii. The Port of Del Rio will detain and process migrants under local standard operational procedures.
 2. Tier II – Strained Operational Capabilities
 - i. Mass migration exceeds the capacity of the Port of Del Rio.
 - ii. Port Director and/or designee will:
 - a. Coordinate with the Ports of [LE] for assistance.
 - b. Coordinate with U.S. Border Patrol Sector Del Rio to request assistance from [LE] stations.
 - c. Activate Tactical Enforcement Officers (TEOs) and increase port's security posture.
 - d. Begin coordination efforts with local ERO, ORR, and the STC Del Rio Area Team, to prepare for potential event expansion.
 - e. Establish communication with the Government of Mexico (GoM) to elicit information about mass migration.
 - f. Utilize G4S assets for Facilities Guard to conduct detention log checks, provide meals, and escort individuals from processing locations to detention cells.
 3. Phase III – Organic Capabilities Exceeded
 - i. Mass migration exceeds the capacity of port facilities.
 - ii. Port Director will coordinate with USBP, CBP Office of Air and Marine (OAM), and other local law enforcement agencies (LEAs) to help maintain port security.

- iii. Port Director will assign deployed jump teams to appropriate port locations.
- iv. Port Director will initiate Secondary Processing and Detention facility with USBP stations.
- v. Port Director will coordinate with ORR, ERO, USBP, and G4S for assistance with transporting aliens out of the area

4. Encounter

- i. Staging
 - a. The Port has established pre-staging/staging wait areas at each land border crossings under area of responsibility.
- ii. Triage/Categorizing
 - a. UACs
 - b. Family Units
 - c. Adults
- iii. Initial Medical Screening
 - a. Pregnant
 - b. Communicable Diseases
 - c. Special Medical Needs (Physically Handicapped or Mentally disabled)

5. Processing

- i. Holding Areas – The Del Rio Port of Entry currently has the capacity to stage approximately sixty-three (63) persons (seated) in the passport control lobby, a controlled area. The maximum capacity of the overflow processing area is forty-nine (49) persons. The overflow of these 49 persons would be in the 12 holding cells (10 cells may hold up to 4 persons and 2 cells are family unit cells; 1 can hold a family of 6-8 persons, the other can hold a family of 4 and the 1 cell in cargo can hold 3 persons). The cells are located in the secure area of the Admin building, the Headhouse, Cargo area, and at ADT.
- ii. Processing Capacity – The passport control area currently has eight (8) workstations that may be used for processing in case there is an influx of cases. There are five (5) interview rooms with one (1) workstation each. Four (4) are in the secure area of

the Admin building and one (1) is in the Headhouse. Total workstations are 13.

- iii. Processing Times – Based on the workstations available and absent any language barriers (e.g. Other than English or Spanish), the port, “ideally”, has the capacity to process no more than 104 Expedited Removal/Credible Fear cases within a 24 hour period.

LE

6. Transportation

- i. Detention before Transportation – The port has the capacity to accommodate thirty-eight (38) persons (adults/minors) and securely detain them in the detention cells.
- ii. G4S will be contacted for transport after placement has been authorized by ERO. If G4S is not available, the POE will use its available resources for transportation.
- iii. Organic resources will be utilized for transport after placement has been authorized by ERO.
- iv. OBP will be contacted for assistance in the transportation of detainees to ERO.

IV. Administration:

A. The port’s command center will be activated at the Port Director’s discretion.

- 1. Contact Numbers upon activation of Command Center:

i.

LE

- 2. All reporting will be consolidated at the Laredo Operations Center and forwarded through appropriate chain-of-command.

B. To the extent possible, operations will be executed utilizing organic port resources and personnel.

C. Resource requirements will be identified and relayed to the LFO:

- 1. Cost Estimates / Funding Issues

- i. Supplemental overtime funding and/or other funding issues outside normal operations will be required.

- ii. Specific overtime and resource requirements (food, hygiene supplies, sanitation contracts, etc.) will be event-dependent and assessed by Port Director.
- iii. Port Director will request overtime cap waivers for appropriate port personnel.
- iv. Supplemental OIT support will be required.

2. Travel

- i. Travel and per diem expenses may be required.
- ii. Specific TDY support will be event-dependent and assessed by the port director.
- iii. Request will be made for non-per diem volunteers of officers residing in Del Rio, but stationed at other ports (e.g. Eagle Pass, Laredo, and RGV).

3. Lodging

- i. Lodging expenses may be required.
- ii. Specific lodging requirements will be event-dependent and assessed by the port director.
- iii. Request will be made for non-per diem volunteers of officers residing in Del Rio, but stationed at other ports (e.g. Eagle Pass, Laredo, and RGV).

4. Reception of Detailed Personnel

- i. Port Director will be responsible for receiving detailed personnel, providing operational briefing, providing work assignments, granting system accesses, etc.

5. Uniform and Equipment

- i. All CBP personnel will wear approved uniform and will be equipped in accordance with existing protocol and policy. All specialty units will wear authorized uniforms utilized by their respective units.
- ii. CBP personnel will be required to follow all established DHS/CBP policy and guidelines. All armed CBP personnel will carry the standard issued CBP sidearm and approved intermediate force weapons and will comply with all CBP use of force policies and regulations.

- iii. Utilization of body armor and the carrying of long-arms are encouraged for officer safety.

6. Special Equipment

- i. All personnel detailed to this operation will be equipped by their duty station with CBP approved equipment.

7. Alien Processing

- i. All illegal aliens apprehended within the POEs will be processed in accordance with established procedures and at designated locations. Port Director will coordinate with the United States Attorney's Office (USAO) if prosecution is deemed necessary.

8. Medical

- i. In the event of a medical emergency, all emergency medical protocols will be initiated by CBP personnel on scene.
- ii. All medical emergencies will be transported to the nearest medical facility. Port Director will maintain an updated list of addresses, phone numbers and trauma levels of hospitals in their area of responsibility.

9. Detention / Transportation

- i. Detention and transportation responsibilities will be conducted in accordance with existing CBP policy. All detained subjects will be detained and transported in relation to the category in which they were processed under. Port Director will provide detailed instructions to assigned personnel on detention and transportation policies.

10. Vehicles

- i. GOVs will be fueled as per existing port and field office policies.

V. Command / Control / Communications:

- A. The Port Director or his/her designee will act as the incident commander.
- B. The Port Director or his/her designee will coordinate with the STC, OFO headquarters, and the Government of Mexico (GoM) as necessary.
- C. Port Director, or his/her designee, will have operational control and command authority over respective CBP components involving, organizing, and employing commands, assigning tasks, designating objectives and giving authoritative

direction necessary to accomplish area objectives will maintain tactical and operational control of their assets.

D. Communication will occur throughout the LFO under the purview of existing policy and capabilities. All communications will be carried out in the encrypted mode.

E. Point of Contact

1. Alberto D. Perez, Port Director

Office: (830) 306-4301

Cell: (830) 968-7163

2. Narcisco Gonzalez, Asst. Port Director – Mission Support

Office: (830) 306-4304

Cell: (830) 313-1249

3. David W. Green , Asst Port Director, Cargo & Conveyance Operations

Office: (830) 306-4360

Cell: (830) 719-3390

4. Gilbert Calderon, Chief CBPO – Tactical Operations

Office: (830) 306-4382

Cell: (830) 719-9496

5. Barbara Calderon, Chief CBPO – Passenger Operations

Office: (830) 306-4384

Cell: (830) 719-5950

Appendices

Media Plan:

The LFO Public Affairs Officer (PAO), in coordination with CBP Office of Public Affairs (OPA), will coordinate responses to media inquiries and other media and public messaging.

Primary Local PAL	Dennis Smith	(830) 719-1237
Laredo Field Office PAO	Mucia Dovalina	(956) 753-1703

Air Plan:

The LFO will coordinate with local OAM branches to secure operational support such as aerial observation of the POEs and surrounding areas, aerial reconnaissance of routes of ingress, transportation of SRT, etc.

Health and Safety Annex:

The Port Director will ensure that the Laredo Field Office Standard Operating Procedures for Serious Communicable and Quarantinable Diseases are followed by all CBP employees.

Contacts:

Law Enforcement:

- Del Rio Police Dept. (830) 774-8718
- Val Verde County Sheriff's Office (830) 774-7513
- Texas Department of Public Safety (830) 703-1225
- USBP Del Rio Sector (830) 778-7000
- USBP Del Rio Station (830) 778-3000
- USBP Comstock Station (432) 292-4450
- USBP Bracketville Station (830) 563-6000
- HSI Del Rio Resident Office (830) 703-2000

EMS/Hospitals:

Val Verde Regional Medical Center
801 N. Bedell Avenue
Del Rio, Texas 78840
(830) 775-8566

Government of Mexico

- Mexican Customs: (877) 101-0645
- Mexican Immigration: (877) 772-1052
- Mexican Consul: (830) 775-2352

Annex C
Port of Eagle Pass, Texas, Laredo Field Office (LFO)
Contingency Plan Addressing Possible Mass Migration Influxes

I. Situation:

- A. During FY16 the Port of Eagle Pass saw a dramatic increase in applicants seeking entry into the United States. These applicants are not in possession of lawful entry documentation.
- B. Most of the applicants are seeking asylum in the United States, are expressing a fear (Credible Fear/CF) of returning to their home country, and/or want to reunite with a parent/family member in the United States.
- C. A significant number of the applicants are other than Mexicans (OTMs).
- D. A multitude of the applicants are arriving as unaccompanied alien children (UACs) and family units.
- E. Due to a significant increase in apprehensions by United States Border Patrol (USBP) in the LFO area of responsibility (Del Rio, Laredo, and Rio Grande Valley Border Patrol Sectors), the delay in obtaining detention space from the Office of Refugee Resettlement (ORR) and Immigration and Customs These delays have impacted port operations as port resources are used to conduct long term detention duties – medical escorts, security duties, personal hygiene, feeding, laundry duties, and transportation (airports, shelters, way stations, detention centers, etc.).
- F. The Eagle Pass Port of Entry does not have the facilities, infrastructure, equipment or personnel necessary to accommodate a large number of arriving aliens for extended detention periods.
- G. Eagle Pass will often experience delays in the area of 7-14 days before placement is secured.

II. Mission:

- A. The Eagle Pass Port of Entry will effectively manage a mass migration event and/or a sustained migration occurring at the port of entry.
- B. The mass migration will be managed while maintaining continuity of operations (COOP).
- C. The purpose of this plan is to mitigate the risk to life from a mass migration event, and to ensure that the borders are secured while ensuring that legitimate trade and travelers continue to cross our borders without significant delays. These incident management strategies are designed to facilitate CBP's ability to mitigate against, prepare for, and respond to the impact of such events under extreme circumstances. Stressing that Officer safety is paramount in all occasions.

- D. Minimize UAC and OTM time in CBP custody.
- E. The Eagle Pass Port of entry has establish a secondary alternative with OBP South Station as an overflow avenue for processing and staging.

III. Execution:

- A. The Port Director will:
 - 1. Exercise the responsibility to control the flow of people across our borders.
 - 2. Ensure terrorists, terrorist weapons, narcotics, criminal aliens, prohibited goods, and other illegal merchandise are prevented from entering the United States.
 - 3. Ensure that the security of the inspection process is sufficient to identify fraudulent applications for admission or discretion.
 - 4. Ensure that bona fide applicants for admission are processed expeditiously and maintaining inspectional integrity.
 - 5. Guarantee humane treatment of migrants and ensure due process under the Immigration and Nationality Act (INA).
 - 6. Identify the port's detention capacities, operational thresholds, and specific trigger points requiring outside assistance.
- B. The Port Director will implement a phased approach to manage the mass migration.
 - 1. Phase I – Organic Capabilities Sustained
 - i. Mass migration does not exceed the operational capabilities of the Pass Port of Entry.
 - ii. The Eagle Pass Port of Entry will detain and process migrants under standard operational procedures currently in place.
 - 2. Phase II – Organic Capabilities Strained
 - i. Mass migration exceeds the capacity of the Eagle Pass Port of Entry.
 - ii. Port Director and/or designee will:
 - a. Coordinate with the [] LE [] for assistance.
 - b. Activate Tactical Enforcement Officers (TEOs) and increase port's security posture.

- c. Begin coordination with ORR, ERO, and the STC, to prepare for potential event expansion.
- d. Establish communication with the Government of Mexico (GoM0 to elicit information about mass migration.

3. Phase III – Organic Capabilities Exceeded

- i. Mass migration exceeds the capacity of port facilities.
- ii. Port Director will coordinate with USBP, CBP Office of Air and Marine (OAM), and other local law enforcement agencies (LEAs) to help maintain port security.
- iii. Port Director will staff non-24/7 international crossings after hours for processing.
- iv. Port Director will assign deployed jump teams to appropriate port locations.
- v. Port Director will coordinate with ORR and ERO for assistance with transporting aliens out of the area.

4. Encounter

- i. Staging
 - a. The Port has established pre-staging/staging wait areas at each land border crossings under area of responsibility.
- ii. Triage/Categorizing
 - a. UACs
 - b. Family Units
 - c. Adults
- iii. Initial Medical Screening
 - a. Pregnant
 - b. Communicable Diseases
 - c. Special Medical Needs (Physically Handicapped or Mentally disabled)

5. Processing

- i. Holding Areas – The port currently has the capacity to stage approximately 100 persons in the passport control lobby and Secondary areas of the Camino Real International Bridge, and 80

at the Eagle Pass International Bridge. Additional overflow processing areas have been designated at the Camino Real International Bridge (training room) and the multi-purpose meeting room at Eagle Pass International (50-60 person additional capacity).

- a. Camino Real has four holding cells.
- b. Eagle Pass has three holding cells.
- ii. Processing Capacity – The port currently has eight work stations at the Camino Real International Bridge with the capacity to process cases. The port has seven at the Eagle Pass International Bridge that can be used as work stations. The number of workstations available may be affected if interview rooms are used to house unaccompanied alien children (UACs).

6. Transportation

- i. G4S will be contacted for transport after placement has been authorized by ERO.
- ii. Organic resources will be utilized for transport after placement has been authorized by ERO.
- iii. OBP will be contacted for assistance in the transportation of detainees to ERO.

IV. Administration:

A. The port's command center will be activated at the Port Director's discretion.

1. Contact Numbers upon activation of Command Center:

- i. LE

2. All reporting will be consolidated at the LFO and forwarded to appropriate higher commands.

B. To the extent possible, operations will be executed utilizing organic port resources and personnel.

C. Resource requirements will be identified and relayed to the LFO:

1. Cost Estimates / Funding Issues

- i. Supplemental overtime funding and/or other funding issues outside normal operations will be required.

- ii. Specific overtime and resource requirements (food, hygiene supplies, sanitation contracts, etc.) will be event-dependent and assessed by Port Director.
- iii. Port Director will request overtime cap waivers for appropriate port personnel.
- iv. Supplemental OIT support will be required.

2. Travel

- i. Travel and per diem expenses may be required.
- ii. Specific TDY support will be event-dependent and assessed by the port director.

3. Lodging

- i. Lodging expenses may be required.
- ii. Specific lodging requirements will be event-dependent and assessed by the port director.

4. Reception of Detailed Personnel

- i. Port Director will be responsible for receiving detailed personnel, providing operational briefing, providing work assignments, granting system accesses, etc.

5. Uniform and Equipment

- i. All CBP personnel will wear approved uniform and will be equipped in accordance with existing protocol and policy. All specialty units will wear authorized uniforms utilized by their respective units.
- ii. CBP personnel will be required to follow all established DHS/CBP policy and guidelines. All armed CBP personnel will carry the standard issued CBP sidearm and approved intermediate force weapons and will comply with all CBP use of force policies and regulations.
- iii. Utilization of body armor and the carrying of long-arms are encouraged for officer safety.

6. Special Equipment

- i. All personnel detailed to this operation will be equipped by their duty station with CBP approved equipment.

7. Alien Processing

- i. All illegal aliens apprehended within the POEs will be processed in accordance with established procedures and at designated locations. Port Director will coordinate with the United States Attorney's Office (USAO) if prosecution is deemed necessary.

8. Medical

- i. In the event of a medical emergency, all emergency medical protocols will be initiated by CBP personnel on scene.
- ii. All medical emergencies will be transported to the nearest medical facility. Port Director will maintain an updated list of addresses, phone numbers and trauma levels of hospitals in their area of responsibility.

9. Detention / Transportation

- i. Detention and transportation responsibilities will be conducted in accordance with existing CBP policy. All detained subjects will be detained and transported in relation to the category in which they were processed under. Port Director will provide detailed instructions to assigned personnel on detention and transportation policies.

10. Vehicles

- i. GOVs will be fueled as per existing port and field office policies.

V. **Command / Control / Communications:**

- A. The Port Director or his designee will act as the incident commander.
- B. The Port Director will coordinate with the STC, OFO headquarters, and the Government of Mexico (GoM) as necessary.
- C. Port Director, or his/her designee, will have operational control and command authority over respective CBP components involving, organizing, and employing commands, assigning tasks, designating objectives and giving authoritative direction necessary to accomplish area objectives will maintain tactical and operational control of their assets.
- D. Communication will occur throughout the LFO under the purview of existing policy and capabilities. All communications will be carried out in the encrypted mode.
- E. Points of Contact
 - 1. John Brandt, Port Director

Office: (830) 752-3160

Cell: (830) 776-3598

2. Pete Macias, Assistant Port Director, Passenger Operations

Office: (830) 752-3568

Cell: (830) 352-3734

3. Gilbert Sepulveda, Assistant Port Director, Trade Operations

Office: (830) 752-3593

Cell: (830) 776-3593

4. John Alanis, Administration Chief

Office: (830) 752-3159

Cell: (830) 421-2770

Appendices

Media Plan:

The LFO Public Affairs Officer (PAO), in coordination with CBP Office of Public Affairs (OPA), will coordinate responses to media inquiries and other media and public messaging.

Primary Local PAO	Dennis Smith	(830) 830-719-1237
Laredo LFO PAO	Mucia Dovalina	(956) 753-1703

Air Plan:

The LFO will coordinate with local OAM branches to secure operational support such as aerial observation of the POEs and surrounding areas, aerial reconnaissance of routes of ingress, transportation of SRT, etc.

Health and Safety Annex:

The Port Director will ensure that the Laredo Field Office Standard Operating Procedures for Serious Communicable and Quarantinable Diseases are followed by all CBP employees.

Contacts:

Law Enforcement:

- Eagle Pass Police Dept. 830-773-9044
- Maverick County Sheriff's Office 830-773-2321
- Texas Department of Public Safety 830-773-5050
- OBP DLR Sector 830-778-7000
- OBP Eagle Pass North 830-758-4000
- OBP Eagle Pass South 830-752-3300
- OBP Del Rio Station 830-778-3000
- OBP BORTAC Liaison
- Patrol Agent in Charge Del Rio Sector 830-734-3854
- BORTAC Commander 830-719-3856
- BORSTAR Commander 830-279-6007
- HSI 800-973-2867

EMS/Hospitals:

Fort Duncan Regional Medical Center
 3333 N Foster Maldonado Blvd
 Eagle Pass, TX
 (830) 773-5321

Val Verde Regional Medical Center

801 N Bedell Ave, Del Rio, TX 78840
(830) 775-8566

Uvalde Memorial Hospital
1025 Garner Field Rd, Uvalde, TX 78801
(830) 278-6251

Government of Mexico

- CISEN : 0115218688282159
- Mexican Aduana PD 0115213141030384
 - Asst to PD 0115213141338008
- Mexican Immigration 0115218441214185
- Mexican Consul: 830-773-9255

Annex D
Port of Laredo, Laredo Field Office (LFO)
Contingency Plan Addressing Possible Mass Migration Influxes

I. Situation:

- A. During FY16 the Port of Laredo saw a dramatic increase in applicants seeking entry into the United States without lawful entry documentation.
- B. Most of the applicants are seeking asylum in the United States, are expressing a fear (Credible Fear/CF) of returning to their home country, and/or want to reunite with a parent/family member in the United States.
- C. A significant number of the applicants are other than Mexicans (OTMs).
- D. Most of the applicants are arriving as unaccompanied alien children (UACs) and family units.
- E. Due to a significant increase in apprehensions by United States Border Patrol (USBP) in the LFO area of responsibility (Del Rio, Laredo, and Rio Grande Valley Border Patrol Sectors), the delay in obtaining detention space from the Office of Refugee Resettlement (ORR) and Immigration and Customs Enforcement (ICE) Enforcement Removal Operations (ERO) has increased from an average of 24-48 hours, to five days or more. These delays have impacted port operations as port resources are used to conduct long term detention duties – medical escorts, security duties, personal hygiene, feeding, and transportation (airports, shelters, way stations, detention centers, etc.).
- F. The Port of Laredo does not have the facilities, infrastructure, equipment or personnel necessary to accommodate a large number of arriving aliens for extended detention periods.

II. Mission:

- A. The Port of Laredo will effectively manage a mass migration event and/or a sustained migration occurring at the port of entry.
- B. The mass migration will be managed while maintaining continuity of operations (COOP).
- C. The purpose of this plan is to mitigate the risk to life from a mass migration event, and to ensure that the borders are secured while ensuring that legitimate trade and travelers continue to cross our borders without significant delays. These incident management strategies are designed to facilitate CBP's ability to mitigate against, prepare for, and respond to the impact of such events under extreme circumstances.
- D. Minimize UAC, Family Units and OTM time in CBP custody.

III. Execution:**A. The Port Director will:**

1. Exercise the responsibility to control the flow of people across our borders.
2. Ensure terrorists, terrorist weapons, narcotics, criminal aliens, prohibited goods, and other illegal merchandise are prevented from entering the United States.
3. Ensure that the security of the inspection process is sufficient to identify frivolous or fraudulent applications for admission or discretion.
4. Ensure that bona fide applicants for admission are processed expeditiously.
5. Guarantee humane treatment of migrants and ensure due process under the Immigration and Nationality Act (INA).
6. Identify the port's detention capacities, operational thresholds, and specific trigger points requiring outside assistance.

B. The Port Director will implement a phased approach to manage the mass migration.**1. Phase I – Organic Capabilities Sustained**

- i. Mass migration contained within normal working conditions.
- ii. Port Director will ensure mass migration within normal working conditions does not affect day to day operations.

2. Phase II – Organic Capabilities Strained

- i. Mass migration exceeds the capacity of at least one international crossing within the port of entry.
- ii. Port Director will coordinate with other international crossings within the port of entry for assistance.
- iii. Port Director will begin coordination with ORR, ERO, and the STC, to prepare for potential event expansion.
- iv. Port Director will establish communication with Government of Mexico (GoM) to elicit information about mass migration.
- v. Port Director will test overflow processing work stations in anticipation of expanding additional resources.

- vi. Port Director will ensure sufficient supplies i.e., empty A file jackets, personal hygiene, etc.

3. Phase III – Organic Capabilities Exceeded

- i. Mass migration exceeds the capacity of port facilities.
- ii. Port Director will activate Tactical Enforcement Officers (TEOs) and increase port's security posture.
- iii. Port Director will coordinate with USBP, CBP Office of Air and Marine (OAM), and other local law enforcement agencies (LEAs) to help maintain port security.
- iv. Port Director will staff non-24/7 international crossings after hours for processing.
- v. Port Director will assign additional personnel and/or request assistance for jump teams for all available resources at each location as appropriate.
- vi. Port Director will coordinate with ORR and ERO for assistance obtaining detention space and with transporting aliens out of the area.
- vii. Port Director will identify additional locations within the port of entry for the staging and housing of detainees.

4. Encounter

i. Staging

- a. Upon arriving at the port of entry U.S. Customs and Border Protection Officers (CBPOs) will identify a secure and proper location for all individuals as part of a mass migration seeking admission without proper entry documents.
- b. CBP will establish a pre-staging area for inadmissible migrants.
- c. Once organic detention areas have been exhausted within the port of entry, Port Director will ensure additional locations for detention have proper resources, i.e. tents with a cooling system, access to restrooms, personal hygiene and food/water.
- d. Port Director will utilize TEOs and coordinate with USBP, CBP Office of Air and Marine (OAM), and other local law

enforcement agencies (LEAs) to assist in securing perimeter security and safe guarding detainees.

- e. Port Director will ensure sufficient transport vehicles are on hand and ready for transporting.

ii. Triage / Categorizing

a. Upon arrival of the migrants CBP will:

- i. Identify the travelers applying for admission that are part of the mass migration group.
- ii. Determine admissibility of each applicant.
- iii. If the applicant is determined to be admissible, the applicant will be admitted and released to depart the Federal Inspection Site (FIS).
- iv. If the applicant is determined to be inadmissible, he or she will be referred and escorted to a pre-staging area as determined by CBP.
- v. Once in the pre-staging area, the migrant will be separated by category.

b. UAC

- i. Unaccompanied Alien Child under the age of 18 years old.

c. Family Units

- i. Parent/Legal Guardian and minor child/children.

d. Adults

- i. Any individual 18 years old and above.

iii. Initial Medical Screening

- a. CBPO will look for any outward signs of health concerns and inquire for any possible health issues, such as:
 - i. Prescribed medication
 - ii. Pregnancy
 - iii. Rashes
 - iv. Lice, etc.

- b. Identify immediate health concerns and if required transport individual to the nearest medical facility.

5. Processing

i. Holding Areas

- a. The port of entry has four international crossings with facilities to hold detainees.
 - i. Gateway to the Americas Bridge
 - 1. Secondary processing area currently has two detention rooms and two detention cells.
 - ii. Lincoln Juarez Bridge
 - 1. Secondary processing area has two detention rooms and four detention cells.
 - iii. World Trade Bridge
 - 1. Secondary processing area has one detention room and four detention cells.
 - iv. Colombia Solidarity Bridge
 - 1. Secondary processing area has two detention cells.
- b. Once the organic resources of these international crossing facilities have been exhausted, the old import lot will be used as a temporary staging area to contain the overflow of migrants at the port of entry.

ii. Processing Capacity

- a. Gateway to the Americas Bridge
 - i. Privately owned vehicles and pedestrians.
 - 1. Closed to privately owned vehicles for bridge remodel and construction.
 - ii. Open 24 hours, 7 days a week.
 - iii. Total of 7 workstations available for processing.
- b. Lincoln Juarez Bridge
 - i. Privately owned vehicles and commercial buses.

1. Commercial buses are routed to Old Import Lot for inspection due to remodel and construction.
 - ii. Open 24 hours, 7 days a week.
 - iii. Total of 6 workstations available for processing.
- c. Old Import Lot
 - i. Commercial buses routed downstairs for inspection due to construction at Lincoln Juarez Bridge.
 - ii. Privately owned vehicles inspected only during high volume special holiday traffic and when no buses are referred downstairs for inspection.
 - iii. Total of 13 workstations available for processing.
- d. World Trade Bridge
 - i. Commercial conveyances only.
 - ii. Open 0800 hours to 2400 hours Monday – Friday, open 0800 hours to 1600 hours Saturday and open 1000 hours to 1400 hours Sunday.
 - iii. Total of 5 workstations available for processing.
- e. Colombia Solidarity Bridge
 - i. Commercial conveyances, privately owned vehicles and pedestrians.
 - ii. Open 0800 hours to 2400 hours, 7 days a week.
 - iii. Total of 4 workstations available for processing.
- iii. Processing
 - a. Pat down searches will be conducted on all individuals, and their personal belongings will be bagged and tagged.
 - b.

LE
 - c. Applicant will be processed according to HQ, OFO and LFO policy.
 - d. Detention space request.

- iv. Outside counsel with a properly executed Form G-28 will be allowed to wait in the lobby area, room permitting.
 - a. The Laredo Office of Chief Counsel will have a representative on site to assist as may be required.
- v. Any activists and/or advocacy groups on site will be limited to an area outside the FIS as designated by local officials.

6. Transportation

- i. Transportation arrangements will be made by CBP once placement is secured by ORR or ERO.
- ii. It is the responsibility of CBP to provide transportation of detainees from the port of entry to designated locations, i.e. ERO facilities, airport, way stations for consolidated transports, shelters, etc.
- iii. Coordination with USBP and contract transportation services will be made once placement is secured for possible consolidation of transports.

IV. Administration:

- A. All reporting will be consolidated and forwarded to appropriate higher chain of command from the command center.
- B. To the extent possible, operations will be executed utilizing organic port resources and personnel.
- C. Resource requirements will be identified and relayed to the LFO:

1. Cost Estimates / Funding Issues

- i. Supplemental overtime funding and/or other funding issues outside normal operations will be required.
- ii. Specific overtime and resource requirements (food, hygiene supplies, sanitation contracts, etc.) will be event-dependent and assessed by Port Director.
- iii. Port Director will request overtime cap waivers for appropriate port personnel.
- iv. Supplemental OIT support will be required.

2. Travel

- i. Travel and per diem expenses may be required if outside assistance is requested.

- ii. Specific TDY support will be event-dependent and assessed by the port director.

3. Lodging

- i. Lodging expenses may be required if outside assistance is requested.
- ii. Specific lodging requirements will be event-dependent and assessed by the Port Director.

4. Reception of Detailed Personnel

- i. Port Director will be responsible for receiving detailed personnel, providing operational briefing, providing work assignments, etc.

5. Uniform and Equipment

- i. All CBP personnel will wear approved uniform and will be equipped in accordance with existing protocol and policy. All specialty units will wear authorized uniforms utilized by their respective units.
- ii. CBP personnel will be required to follow all established DHS/CBP policy and guidelines. All armed CBP personnel will carry the standard issued CBP sidearm and approved intermediate force weapons, and will comply with all CBP use of force policies and regulations.
- iii. Utilization of body armor and the carrying of long-arms are encouraged for officer safety.

6. Special Equipment

- i. All personnel detailed to this operation will be equipped by their duty station with CBP approved equipment.

7. Alien Processing

- i. All illegal aliens apprehended within the POEs will be processed in accordance with established procedures and at designated locations. Port Director will coordinate with the United States Attorney's Office (USAO) if prosecution is deemed necessary.

8. Medical

- i. In the event of a medical emergency, all emergency medical protocols will be initiated by CBP personnel on scene.
- ii. All medical emergencies will be transported to the nearest medical facility. Port Director will maintain an updated list of addresses,

phone numbers and trauma levels of hospitals in their area of responsibility.

- iii. The City of Laredo Health Department will be notified on all possible communicable diseases.

9. Detention / Transportation

- i. Detention and transportation responsibilities will be conducted in accordance with existing CBP policy. All detained subjects will be detained and transported in relation to the category in which they were processed under. Port Director will provide detailed instructions to assigned personnel on detention and transportation policies.

10. Vehicles

- i. GOVs will be fueled as per existing port and field office policies.

V. Command / Control / Communications:

- A. The Port Director will designate an incident commander.
- B. The Port Director will coordinate with the STC, OFO headquarters, and the Government of Mexico (GoM), as necessary.
- C. Port Director, or his/her designee, will have operational control and command authority over respective CBP components involving, organizing, and employing commands, assigning tasks, designating objectives and giving authoritative direction necessary to accomplish area objectives and will maintain tactical and operational control of their assets.
- D. Communication will occur throughout the port of entry under the purview of existing policy and capabilities. All communications will be carried out in the encrypted mode.
- E. Points of Contact
 - 1. Gregorio Alvarez, Port Director
Office: (956) 523-7314
Cell: (956) 367-6202
 - 2. Albert Flores, Deputy Port Director
Office: (956) 794-9495
Cell: (956) 237-1920
 - 3. Francisco Garcia, Assistant Port Director, Passenger Operations

Office: (956) 523-7306

Cell: (956) 237-9203

4. Watch Commanders

William Trevino

Cell: (956) 206-6907

Leobardo Benavidez

Cell: (956) 242-9474

Cynthia Rodriguez

Cell: (956) 740-1885

Javier Vazquez

(956) 251-3770

Jesus Barrera

(956) 334-6099

Juan Chavez

(956) 237-3826

Appendices

Media Plan:

The LFO Public Affairs Officer (PAO), in coordination with CBP Office of Public Affairs (OPA), will coordinate responses to media inquiries and other media and public messaging.

Primary Local PAL	Diego Hernandez	(956) 251-2977
Laredo LFO PAO	Mucia Dovalina	(956) 753-1703
CBP OPA PAO	Rick Pauza	(956) 764-3425

Air Plan:

The LFO will coordinate with local OAM branches to secure operational support such as aerial observation of the POEs and surrounding areas, aerial reconnaissance of routes of ingress, transportation of SRT, etc.

Health and Safety Annex:

The Port Director will ensure that the Laredo Field Office Standard Operating Procedures for Serious Communicable and Quarantinable Diseases are followed by all CBP employees.

- A. In the event of any medical emergency, 911 will be called.
- B. If necessary the local fire department or hospital can be contacted to directly dispatch EMS.
- C. A marked law enforcement unit, driving in a safe manner, with emergency lights and siren activated, can drive to any of the below listed medical facilities within 10 minutes.
- D. All medical emergencies will be transported to the nearest medical facility.
- E. Laredo area of responsibility:
 - a. Doctor's Hospital
Trauma level III
10700 McPherson Rd
Laredo, Texas 78045
(956) 523-2000
 - b. Laredo Medical Center
Trauma level III
1700 E. Sanders
Laredo, Texas 78041
(956) 796-2000

c. City of Laredo Health Department
2600 Cedar
Laredo, Texas 78041
(956) 795-4921

d. Trauma III Facility

- i. The hospital provides initial evaluation and stabilization to the trauma patient. Comprehensive medical and surgical inpatient services are available to those patients who can be maintained in a stable or improving condition without specialized care. Emergency physicians and nurses are immediately available. Surgeons are able to within 20 minutes to assess, resuscitate, stabilize, and initiate transfer as necessary to a higher level trauma care center.

Contacts:

Points of Contact:

- OBP POC – Narciso Ramos (956) 763-1844
- ERO POC – Robert Cerna (956) 237-0784
- CIS POC – Martin Hernandez (210) 564-3607
- ASYLUM POC – Ashlyn/Gadson (281) 931-2139
- FPS POC – Carlos Guardiola (956) 718-4115
- Bridge Director POC – Mario Maldonado (956) 791-2200
- Laredo PD POC – Joe Baeza (956) 285-0579

General Law Enforcement Contact Information:

- Laredo Police Department (956) 795-2800
 - Liaison: Duty Watch Commander (956) 795-3134, 3135, 3136, 3023
- Webb County Sheriff's Office (956) 523-4500, 4408, 4465
 - Liaison: Lt. Ricardo Garcia (956) 718-8084
- Laredo Border Patrol Sector (LRT) (956) 764-3200, 3232
 - Liaison: Border Intel Center (BIC) (956) 764-3091
- LRT BORTAC (956) 417-7864
 - Liaison: PAIC Jerry Doyle (956) 417-5822
- Office of Air & Marine (OAM) (956) 726-5100
 - Liaison: Supervisor Vidaurri (956) 726-5100, Option #1
- Texas Department of Public Safety (956) 728-2201
 - Liaison: Sgt. Conrad Hine (956) 489-9403
- Texas A&M International Police Dept. (956) 326 2100
 - Liaison: Sup. Cindy Garcia (956) 326-2100
- Federal Protective Services (Mega Center) (800) 767-2756

- Liaison: Carlos Guardiola (956) 202-1996
- HSI Duty Agent (800) 973-2867

Government of Mexico Contact Information:

• **MX Consulate Office (Laredo, Texas)**

Office: 956-723-0990
 Consul Carolina Zaragoza Flores
 Emergency Contact Number: (956) 251-9096

• **CISEN**

Office: 011-52-867-719-0010
 Alternate Number: 011-52-867-719-2332

• **C4**

Office: 011-52-867-711-2552
 Nextel: 72*609937*2

• **Mexican Customs**

Administration: 011-52-867-711-0263 (0900-2000 hrs).
 Bridge 1: 011-52-867-711-0265 / 3238
 Bridge 2: 011-52-867-711-0265 / 3238
 Railroad: 011-52-867-711-3200 (Ext. 71561)
 WTB: 011-52-867-711-3204
 Colombia: 011-52-867-734-5101 (0900-2200 hrs. M-F) (1000-1400 hrs. Sat.)

• **Mexican Immigration**

Administration: 011-52-867-711-0263 (0900-2000 hrs.)
 Bridge 1: 011-52-867-718-1177 (#8)
 Bridge 2: 011-52-867-712-7245
 Railroad: 011-52-867-718-1177 (#8)
 WTB: 011-52-867-711-3200 (Ext. 73204)
 Colombia: 011-52-867-734-5101 (0900-2200 hrs. M-F) (1000-1400 hrs. Sat.)

Annex E
Port of Hidalgo, Texas, Laredo Field Office (LFO)
Contingency Plan Addressing Possible Mass Migration Influxes

I. Situation:

- A. Since FY2014 the Port of Hidalgo, Texas has seen an increase in arriving aliens seeking entry into the United States without lawful entry documentation.
- B. Most of the applicants are economic migrants seeking employment through the asylum process and/or requesting reunification with family members who are unlawfully present in the US.
- C. A significant number of the applicants are other than Mexicans (OTMs), to include Special Interest Aliens (SIAs).
- D. Most of the applicants are arriving as unaccompanied alien children (UACs) and family units.
- E. Due to a significant increase in apprehensions in the Rio Grande Valley (RGV), Office of Field Operations (OFO) and United States Border Patrol (USBP) experience delays in obtaining detention space from the Office of Refugee Resettlement (ORR) and Immigration and Customs Enforcement (ICE) Enforcement Removal Operations (ERO), from an average of 24-48 hours, to five days or more. These delays have impacted port operations as port resources are used to conduct long term detention duties – medical escorts, security duties, personal hygiene, feeding, and transportation (airports, shelters, way stations, detention centers, etc.).
- F. The Rio Grande Valley Central Processing Center (CPC) assists with the temporary holding of OFO processed family units and unaccompanied alien children. These aliens remain in the responsibility of OFO until ICE/ERO or ORR take physical custody of them.
- G. The Port of Hidalgo, Texas does not have the facilities, infrastructure, equipment or personnel necessary to accommodate a large number of arriving aliens for extended detention periods.

II. Mission:

- A. The Port of Hidalgo, Texas will effectively manage a mass migration event and/or a sustained migration occurring at the port of entry.
- B. The mass migration will be managed while maintaining continuity of operations (COOP).
- C. The purpose of this plan is to mitigate the risk to life from a mass migration event, and to ensure that the borders are secured while ensuring that legitimate trade and travelers continue to cross our borders without significant delays. These incident

management strategies are designed to facilitate CBP's ability to mitigate against, prepare for, and respond to the impact of such events under extreme circumstances.

D. Minimize UAC and OTM time in CBP custody.

III. Execution:

A. The Port Director will:

1. Exercise the responsibility to control the flow of people across our borders.
2. Ensure terrorists, terrorist weapons, narcotics, criminal aliens, prohibited goods, and other illegal merchandise are prevented from entering the United States.
3. Ensure that the security of the inspection process is sufficient to identify frivolous or fraudulent applications for admission or discretion.
4. Ensure that bona fide applicants for admission are processed expeditiously.
5. Guarantee humane treatment of migrants and ensure due process under the Immigration and Nationality Act (INA).
6. Identify the port's detention capacities, operational thresholds, and specific trigger points requiring outside assistance.

B. The Port Director will implement a phased approach to manage the mass migration contingent on the number of arriving aliens.

1. Phase I – Organic Capabilities Sustained
 - i. Mass migration does not exceed the operational capabilities of the Hidalgo, Texas Port of Entry.
 - ii. The Hidalgo, Texas Port of entry will detain, process, and transport migrants commensurate with Port policies and procedures.
2. Phase II – Organic Capabilities Strained
 - i. Mass migration exceeds the capacity of at least one port facility, as identified in port-specific annexes.
 - ii. Port Director and/or designee will do the following:
 - a. Will coordinate with neighboring POEs ([REDACTED] LE [REDACTED]) for assistance.

- b. Will coordinate with neighboring USBP stations (LE LE) for assistance.
- c. Will activate Tactical Enforcement Officers (TEOs) and increase port's security posture.
- d. Will begin coordination with ORR, ERO, STC, other local federal/state law enforcement agencies (LEAs), and local government officials to prepare for potential event expansion. (Appendix 1)
- e. Will establish communications with Government of Mexico (GoM) to elicit information about mass migration. (Appendix 2)
- f. Will test overflow processing work stations in anticipation of LFO jump team deployment.

3. Phase III – Organic Capabilities Exceeded

- i. Mass migration exceeds the capacity of port facilities.
- ii. Port Director and/or designee will do the following:
 - a. Will coordinate with FPS, USBP, CBP Office of Air and Marine (OAM), and other local law enforcement agencies (LEAs) to help maintain port security.
 - b. Will staff non-24/7 international crossings after hours for processing with DFO concurrence.
 - c. Will assign deployed jump teams to appropriate port locations.
 - d. Will coordinate with ORR and ERO for assistance with transporting aliens out of the area.

C. Encounter

1. Triage / Categorizing

- i. The Port has established pre-staging/staging wait areas
- ii. Assigned Officers will separate migrants into the following groups and processed in this order:

- a.
- b.
- c.

LE

d.
e.

LE

D. Staging

1. UAC and Family Unit *1 will be escorted to the PCS lobby.
2. Family Unit *2, adult females, and adult males will be escorted to the "OLD IMPORT LOT" and staged according to grouping underneath the existing canopy.
3. Once processing is complete and space requests sent, migrants will be escorted to the "OLD IMPORT LOT" and staged according to grouping underneath the existing canopy so the next group of migrants can be processed.
4. Migrants will be monitored at all times regardless of staging location by designated security officers/agents

NOTE: Processing is event-dependent; as such the Port will adjust and make appropriate decisions concerning staging based upon influx.

E. Initial Medical Screening

1. Officers will canvas migrants to determine if a medical emergency/issue exists.
2. In the event of a medical emergency/issue, all emergency medical protocols will be initiated by CBP personnel on scene.
3. An improvised isolation area has been designated for migrants deemed to pose a health and safety risk (contagious disease).

F. Processing

1. See Administration section (IV)(C)(6) for processing capacity specifics
2. Approximate processing times:
 - i. Family Unit 2-4 hours
 - ii. UAC 1-2 hours
 - iii. ER/CF 2-3 hours
 - iv. NTA/Detain 2-3 hours
3. The appropriate office will be contacted upon processing completion to request placement.

G. Transportation

1. G4S will be used to the greatest extent possible
2. If G4S is unable to transport, the Port of Hidalgo, Texas will use organic/TDY resources

IV. Administration:

A. The Port's command center will be activated at the Port Director's discretion.

1. All reporting will be consolidated at the LFO and forwarded to appropriate higher commands.
2. Port's operational chain of command:
 - i. Incident Commander Port Director or designee
 - ii. Operations Officer Watch Commander on duty
 - iii. Security Officer AT-CET Supervisor on duty
 - iv. Intelligence Officer TAU Supervisor/Officer on duty

B. To the extent possible, operations will be executed utilizing organic port resources and personnel.

- | | |
|---|-----|
| 1. CBP Officers (Series 1895) | 426 |
| 2. CBP Canine Enforcement Officers (Series 1895) | 29 |
| 3. CBP Agriculture Specialists (Series 401) | 45 |
| 4. CBP Agriculture Canine Specialist (Series 401) | 3 |

C. Resource requirements will be identified and relayed to the LFO:

1. Cost Estimates / Funding Issues
 - i. Supplemental overtime funding and/or other funding issues outside normal operations will be required.
 - ii. Specific overtime and resource requirements (food, hygiene supplies, sanitation contracts, etc.) will be event-dependent and assessed by port director.
 - iii. Port Director will request overtime cap waivers for appropriate port personnel.
 - iv. Supplemental OIT support will be required.

2. Travel

- i. Travel and per diem expenses may be required.
- ii. Specific TDY support will be event-dependent and assessed by the port director.

3. Lodging

- i. Lodging expenses may be required.
- ii. Specific lodging requirements will be event-dependent and assessed by the port director.

4. Reception of Detailed Personnel

- i. Port Director will be responsible for receiving detailed personnel, providing operational briefing, providing work assignments, etc.

5. Uniform and Equipment

- i. All CBP personnel will wear approved uniform and will be equipped in accordance with existing protocol and policy. All specialty units will wear authorized uniforms utilized by their respective units.
- ii. CBP personnel will be required to follow all established DHS/CBP policy and guidelines. All armed CBP personnel will carry the standard issued CBP sidearm and approved intermediate force weapons and will comply with all CBP use of force policies and regulations.
- iii. Utilization of body armor and the carrying of long-arms are encouraged for officer safety.
- iv. All personnel detailed to this operation will be equipped by their duty station with CBP approved equipment.

6. Alien Processing

- i. All illegal aliens apprehended within the POEs will be processed in accordance with established procedures and at designated locations. Port Director will coordinate with the United States Attorney's Office (USAO) if prosecution is deemed necessary.
- ii. Operational Areas:
 - a. Hidalgo International Crossing
 - i. Passenger Operations: 24 hours / 7 days a week

- ii. 18 available processing stations (12 inside secondary/6 at counter)
- iii. 4 detention cells (2 wet / 2 dry) with the capacity to house 24 migrants (approximate)
- iv. 2 dedicated processing hold rooms that can accommodate 10 (approximate)
- v. Lobby area capacity is 105 (approximate)

b. Pharr International Crossing

- i. Passenger Operations: 0600 – 0000 / 7 days a week
- ii. 6 available processing stations (2 inside secondary / 4 at counter)
- iii. 3 detention cells (2 wet / 1 dry) with the capacity to house 14 migrants (approximate)
- iv. Lobby area capacity is 30 (approximate)

c. Anzalduas International Crossing

- i. Passenger Operations: 0600 – 2200 / 7 days a week
- ii. 2 available processing stations (6 if utilizing SENTRI stations)
- iii. 16 detention cells (9 wet / 7 dry) with the capacity to house 50 migrants (approximate)
- iv. Lobby area capacity is 15 (35 if utilizing SENTRI area) (approximate)

7. Medical

- i. In the event of a medical emergency, all emergency medical protocols will be initiated by CBP personnel on scene.
- ii. All medical emergencies will be transported to the nearest medical facility. Port Director will maintain an updated list of addresses, phone numbers and trauma levels of hospitals in their area of responsibility. (Appendix 3)
- iii. The Port Director will ensure that appropriate Personal Protective Equipment (PPE) is available.

8. Detention / Transportation

- i. Detention and transportation responsibilities will be conducted in accordance with existing CBP policy. All detained subjects will be detained and transported in relation to the category in which they were processed under. Port Director will provide detailed instructions to assigned personnel on detention and transportation policies.

9. Vehicles

- i. GOVs will be fueled as per existing port and field office policies.
- ii. The Port will utilize the two assigned vans for transportation related functions (13 person capacity per van).

V. Command / Control / Communications:

- A. The Port Director will designate an incident commander.
- B. The Port Director will coordinate with the LFO, and the Government of Mexico (GoM) as necessary.
- C. Port Director, or his/her designee, will have operational control and command authority over respective CBP components involving, organizing, and employing commands, assigning tasks, designating objectives and giving authoritative direction necessary to accomplish area objectives will maintain tactical and operational control of their assets.
- D. Communication will occur throughout the LFO under the purview of existing policy and capabilities. All communications will be carried out in the encrypted mode.

Media Plan:

All media inquiries will be referred to the CBP Office of Public Affairs (OPA)

- A. Maribel Saenz (HID) (956) 223-6155
- B. Esteban Garcia (HID) (956) 454-8021
- C. Elias Rodriguez (BRO) (956) 455-0490
- D. Rick Pauza (LFO) (956) 359-5079
- E. Mucia Dovalina (LFO) (956) 286-7289

Air Plan:

The Port of Hidalgo, Texas will coordinate with local OAM branches to secure operational support such as aerial observation of the POEs and surrounding areas, aerial reconnaissance of routes of ingress, transportation of SRT, etc.

Appendix 1 – Coordination with U.S. Partners

Points of Contact:

- OBP POC – Ramiro Garza Jr (956) 460-7394
- ERO POC – Homero Salinas (956) 547-1837
- CIS POC – Arcelia Adriano
- ASYLUM POC – Ashlyn/Gadson (281) 931-2139
- FPS POC – Mitch Sisler (956) 367-5790
- Bridge Director POC – Juan Olaguibel (956) 802-9271
- Hidalgo PD POC – Lt. C. Vargas (956) 537-5007 (Will notify Hidalgo EMS)

General Contact Information:

- McAllen Police Department (956) 682-4321
- Hidalgo Police Department (956) 843-2737
- Pharr Police Department (956) 784-7700
- Mission Police Department (956) 584-5000
- Hidalgo County SO (956) 383-8114
- OBP RGV Sector (956) 289-4800
- OBP Weslaco Station (956) 968-0602
- OBP McAllen Station TOC (956) 217-3827
- OBP McAllen Station (956) 217-3700
- OBP BORTAC Liaison (956) 532-7872
- OAM Liaison (956) 972-6350
- Texas Department of Public Safety (956) 279-0956
- Federal Protective Services (956) 367-5790
- HSI Duty Agent (800) 973-2867

Appendix 2 – Coordination with Government of Mexico Partners

CISEN – Francisco Casas	011-521-899-122-5778
CISEN (Office)	011-52-555-449-1518
Mexican Customs/Immigration (HID)	011-521-89-99-22-1312
Mexican Customs/Immigration (PPR)	011-521-89-99-44-1510
Mexican Customs/Immigration (ANZ)	011-521-89-99-44-1508

Appendix 3 – Medical Centers

McAllen Medical Center
311 W Expressway 83
McAllen TX
(956) 632-4100

Rio Grande Regional
101 E Ridge Rd
McAllen TX
(956) 632-6000

Mission Regional Medical Center
900 S. Bryan
Mission TX
(956) 323-9000

Weslaco Knapp Medical Center
1401 E 8th St
Weslaco TX
(956) 968-8567

Harlingen Valley Baptist Medical Center
2101 Pease St
Harlingen TX
(956) 389-1100

Valley Baptist Medical Center
1040 W Jefferson St
Brownsville TX
(956) 698-5400

Valley Regional Medical Center
100 E Alton Gloor Blvd
Brownsville TX 78526
(956) 350-7000

Starr County Memorial Hospital
1861 US 83
Roma, TX
(956) 487-5561

On Standby:
Dr. Leonel Moreno
Family Physicians Clinic
(956) 682- 4515

Annex F
Port of Rio Grande City, Texas, Laredo Field Office (LFO)
Contingency Plan Addressing Possible Mass Migration Influxes

I. Situation:

- A. During FY2017 the Port of Rio Grande City, Texas has seen a dramatic decrease in applicants seeking entry into the United States without lawful entry documentation.
- B. Most of the applicants who seek asylum in the United States are expressing a fear (Credible Fear/CF) of returning to their home country, and/or want to reunite with a parent/family member in the United States.
- C. Most of the applicants are arriving as unaccompanied alien children (UACs) and family units.
- D. Additionally, the Port of Rio Grande City has seen a dramatic decrease in Cuban nationals applying for entry under the Cuban Refugee Adjustment Act (CRAA).
- E. The Port of Rio Grande City, Texas does not have the facilities, infrastructure, equipment or personnel necessary to accommodate a large number of arriving aliens for extended detention periods.

II. Mission:

- A. The Port of Rio Grande City, Texas will effectively manage a mass migration event and/or a sustained migration occurring at the port of entry.
- B. The mass migration will be managed while maintaining continuity of operations (COOP).
- C. The purpose of this plan is to mitigate the risk to life from a mass migration event, and to ensure that the borders are secured while ensuring that legitimate trade and travelers continue to cross our borders without significant delays. These incident management strategies are designed to facilitate CBP's ability to mitigate against, prepare for, and respond to the impact of such events under extreme circumstances.
- D. Minimize UAC and OTM time in CBP custody.

III. Execution:

- A. The Port Director will:
 - 1. Exercise the responsibility to control the flow of people across our Port of Entry.

2. Ensure terrorists, weapons, narcotics, criminal aliens, prohibited goods, and other illegal merchandise is prevented from entering through the Port of Entry.
 3. Ensure that the security of the inspection process is sufficient to identify frivolous or fraudulent applications for admission or discretion.
 4. Ensure that bona fide applicants for admission are processed expeditiously.
 5. Guarantee humane treatment of migrants and ensure due process under the Immigration and Nationality Act (INA).
 6. Identify the port's detention capacities, operational thresholds, and specific trigger points requiring outside assistance.
- B. The Port Director will implement a phased approach to manage the mass migration.
1. Phase I – Organic Capabilities Sustained
 - i. Mass migration does not exceed the operational capabilities of the Rio Grande City, Texas Port of Entry.
 - ii. The Rio Grande City, Texas Port of entry will detain, process, and transport migrants commensurate with Port policies and procedures.
 2. Phase II – Organic Capabilities Strained
 - i. Mass migration exceeds the capacity of at least one port facility, as identified in port-specific annexes.
 - ii. Port Director and/or designee will do the following:
 - a. Will coordinate with neighboring POEs ([REDACTED] LE [REDACTED] and other ports within the Laredo Field Office as needed) for assistance.
 - b. Will coordinate with neighboring USBP stations (McAllen, and Rio Grande City) for assistance.
 - c. Will activate Tactical Enforcement Officers (TEOs) and increase port's security posture.
 - d. Will begin coordination with ORR, ERO, STC, other local federal/state law enforcement agencies (LEAs), and local government officials to prepare for potential event expansion. (Appendix 1)

- e. Will establish communications with Government of Mexico (GoM) to elicit information about mass migration. (Appendix 2)
- f. Will test overflow processing work stations in anticipation of LFO jump team deployment.

3. Phase III – Organic Capabilities Exceeded

- i. Mass migration exceeds the capacity of port facilities.
- ii. Port Director and/or designee will do the following:
 - a. Will coordinate with USBP, CBP Office of Air and Marine (OAM), and other local law enforcement agencies (LEAs) to help maintain port security.
 - b. Will staff non-24/7 international crossings after hours for processing with DFO concurrence.
 - c. Will assign deployed jump teams to appropriate port locations.
 - d. Will coordinate with ORR and ERO for assistance with transporting aliens out of the area.

4. Phase IV- Organic Capabilities Overwhelmed

- i. Mass migration overwhelms the processing, transportation, and detention capacities of CBP components in South Texas (OFO and USBP).
- ii. Port Director, in conjunction with DFO will explore alternative admissibility processing measures.
- iii. DFO, in conjunction with the STC Commander, requests DHS assistance through CBP headquarters.

IV. Administration:

A. The Port's command center will be activated at the Port Director's discretion.

- 1. All reporting will be consolidated at the LFO and forwarded to appropriate higher commands.
- 2. Port's operational chain of command:
 - i. Incident Commander Port Director or designee
 - ii. Operations Officer Supervisor on duty
 - iii. Intelligence Officer TAU Supervisor/Officer on duty

B. To the extent possible, operations will be executed utilizing organic port resources and personnel.

1. CBP Managers	12
2. CBP Officers (Series 1895)	49
3. CBP Canine Enforcement Officers (Series 1895)	4
4. CBP Agriculture Specialists (Series 401)	4

C. Resource requirements will be identified and relayed to the LFO:

1. Cost Estimates / Funding Issues
 - i. Supplemental overtime funding and/or other funding issues outside normal operations will be required.
 - ii. Specific overtime and resource requirements (food, hygiene supplies, sanitation contracts, etc.) will be event-dependent and assessed by port director.
 - iii. Port Director will request overtime cap waivers for appropriate port personnel.
 - iv. Supplemental OIT support will be required.
2. Travel
 - i. Travel and per diem expenses may be required.
 - ii. Specific TDY support will be event-dependent and assessed by the port director.
3. Lodging
 - i. Lodging expenses may be required.
 - ii. Specific lodging requirements will be event-dependent and assessed by the port director.
4. Reception of Detailed Personnel
 - i. Port Director will be responsible for receiving detailed personnel, providing operational briefing, providing work assignments, etc.
5. Uniform and Equipment
 - i. All CBP personnel will wear approved uniform and will be equipped in accordance with existing protocol and policy. All specialty units will wear authorized uniforms utilized by their respective units.

- ii. CBP personnel will be required to follow all established DHS/CBP policy and guidelines. All armed CBP personnel will carry the standard issued CBP sidearm and approved intermediate force weapons and will comply with all CBP use of force policies and regulations.
- iii. Utilization of body armor and the carrying of long-arms are encouraged for officer safety.

6. Special Equipment

- i. All personnel detailed to this operation will be equipped by their duty station with CBP approved equipment.

7. Alien Processing

- i. All illegal aliens apprehended within the POEs will be processed in accordance with established procedures and at designated locations. Port Director will coordinate with the United States Attorney's Office (USAO) if prosecution is deemed necessary.

ii. Operational Areas:

a. Rio Grande City

- i. Passenger Operations: 17 hours / 7 days a week
- ii. 4 available processing stations (2 inside secondary/2 at counter)
- iii. 2 detention cells with the capacity to house 14 migrants (approximate)
- iv. Lobby area capacity is 15 (approximate)

b. Los Ebanos

- i. Passenger Operations: 8 hours / 7 days a week depending on the weather.
- ii. 2 available processing stations (1 inside secondary / 1 at the counter.
- iii. 2 detention cells with the capacity to house 12 migrants (approximate).

iii. Processing Times

a. Rio Grande City

Based on the workstations available and absent any language barriers, the port has the capacity to process no more than 24 Expedited Removal Credible Fear cases every 24 hours.

b. Los Ebanos

Based on the workstations available and absent any language barriers, the port has the capacity to process no more than 12 Expedited Removal Credible Fear cases every 24 hours.

8. Medical

- i. In the event of a medical emergency, all emergency medical protocols will be initiated by CBP personnel on scene.
- ii. All medical emergencies will be transported to the nearest medical facility. Port Director will maintain an updated list of addresses, phone numbers and trauma levels of hospitals in their area of responsibility. (Appendix 3)

9. Detention / Transportation

- i. Detention and transportation responsibilities will be conducted in accordance with existing CBP policy. All detained subjects will be detained and transported in relation to the category in which they were processed under. Port Director will provide detailed instructions to assigned personnel on detention and transportation policies.

10. Vehicles

- i. GOVs will be fueled as per existing port and field office policies.
- ii. The Port will utilize the one assigned van for transportation related functions (13 person capacity per van).
- iii. The port may also utilize two pursuit vehicles that can transport two additional passengers (each).

V. Command / Control / Communications:

- A. The Port Director will designate an incident commander.
- B. The Port Director will coordinate with the LFO, and the Government of Mexico (GoM) as necessary.
- C. Port Director, or his/her designee, will have operational control and command authority over respective CBP components involving, organizing, and employing commands, assigning tasks, designating objectives and giving authoritative

direction necessary to accomplish area objectives will maintain tactical and operational control of their assets.

D. Communication will occur throughout the LFO under the purview of existing policy and capabilities. All communications will be carried out in the encrypted mode.

E. Point of Contacts

1. David J. Gonzalez, Port Director
Office: (956) 487-1655
Cell: (956) 227-3327
2. Imelda Recio, Assistant Port Director, Passenger/Trade Processing
Office: (956) 487-1662
Cell: (956) 342-5492
3. Hernando Cardenas, Chief CBPO, Tactical Operations
Office: (956) 487-1663
Cell: (956) 371-4050

Appendices

Media Plan:

All media inquiries will be referred to the CBP Office of Public Affairs (OPA)

- | | |
|-------------------------|----------------|
| A. Hector Ramirez (RGC) | (956) 487-1650 |
| B. Maribel Saenz (HID) | (956) 223-6155 |
| C. Mucia Dovalina (LFO) | (956) 753-1703 |

Air Plan:

The Port of Rio Grande City, Texas will coordinate with local OAM branches to secure operational support such as aerial observation of the POEs and surrounding areas, aerial reconnaissance of routes of ingress, transportation of SRT, etc.

Contacts:

Points of Contact:

- | | |
|-----------------------------------|----------------|
| • OBP POC – Ryan Landrum | (956) 487-8997 |
| • ERO POC – Jacob Castro | (956) 463-3678 |
| • ASYLUM POC – Ashlyn/Gadson | (281) 931-2139 |
| • Bridge POC – Sam Vale | (956) 487-5606 |
| • Rio Grande PD POC – N. Castillo | (956) 487-8892 |
| • DPS POC – Brent Akin | (956) 716-3600 |

General Contact Information:

- | | |
|-------------------------------------|----------------|
| • McAllen Police Department | (956) 682-4321 |
| • Mission Police Department | (956) 584-5000 |
| • Hidalgo County SO | (956) 383-8114 |
| • La Joya Police Department | (956) 585-4855 |
| • Starr County Sheriff's Office | (956) 487-5571 |
| • OBP RGV Sector | (956) 289-4800 |
| • OBP McAllen Station TOC | (956) 217-3827 |
| • OBP McAllen Station | (956) 217-3700 |
| • OBP BORTAC Liaison | (956) 532-7872 |
| • OBP Rio Grande City | (956) 487-1044 |
| • Texas Department of Public Safety | (956) 716-3600 |
| • HSI Duty Agent | (800) 973-2867 |
| • Starr EMS | (956) 487-5561 |

Government of Mexico Partners

• CISEN	011-52-899-953-2200
• C4	011-52-899-921-8250
• CAPUFE	011-52-891-974-0762
• Mexican Customs (RIO & LSE) (PD)	011-52-891-974-3568
• Mexican Customs (RIO & LSE)	011-52-891-974-3551
• Mexican Immigration	011-52-891-974-0036
• UASF	877-367-7710

Medical Centers

Starr County Memorial Hospital
 1861 US 83
 Rio Grande City, TX
 (956) 487-5561

McAllen Medical Center
 311 W Expressway 83
 McAllen TX
 (956) 632-4100

Rio Grande Regional
 101 E Ridge Rd
 McAllen TX
 (956) 632-6000

Mission Regional Medical Center
 900 S. Bryan
 Mission TX
 (956) 323-9000

Starr County Emergency Operations Center
 (956) 487-5571

Edinburg Children's Hospital
 1102 W Trenton
 Edinburg, TX
 (956) 388-6000

Doctor's Hospital Renaissance
 5321 S McColl Rd
 Edinburg, TX
 (956) 631-4515

McAllen Heart Hospital
1900 S. D St
McAllen, TX
(956)994-2000

Annex G
Port of Progreso, Texas Laredo Field Office (LFO)
Contingency Plan Addressing Possible Mass Migration Influxes

I. Situation:

- A. During FY16 the Port of Progreso saw a dramatic increase in applicants seeking entry into the United States without lawful entry documentation.
- B. Most of the applicants are seeking asylum in the United States, are expressing a fear (Credible Fear/CF) of returning to their home country, and/or want to reunite with a parent/family member in the United States.
- C. A significant number of the applicants are other than Mexicans (OTMs).
- D. Most of the applicants are arriving as unaccompanied alien children (UACs) and family units.
- E. Due to a significant increase in apprehensions by United States Border Patrol (USBP) in the LFO area of responsibility (Del Rio, Laredo, and Rio Grande Valley Border Patrol Sectors), the delay in obtaining detention space from the Office of Refugee Resettlement (ORR) and Immigration and Customs Enforcement (ICE) Enforcement Removal Operations (ERO) has increased from an average of 24-48 hours, to five days or more. These delays have impacted port operations as port resources are used to conduct long term detention duties – medical escorts, security duties, personal hygiene, feeding, laundry duties, and transportation (airports, shelters, way stations, detention centers, etc.).
- F. The Port of Progreso does not have the facilities, infrastructure, equipment or personnel necessary to accommodate a large number of arriving aliens for extended detention periods.

II. Mission:

- A. The Port of Progreso will effectively manage a mass migration event and/or a sustained migration occurring at the port of entry.
- B. The mass migration will be managed while maintaining continuity of operations (COOP).
- C. The purpose of this plan is to mitigate the risk to life from a mass migration event, and to ensure that the borders are secured while ensuring that legitimate trade and travelers continue to cross our borders without significant delays. These incident management strategies are designed to facilitate CBP's ability to mitigate against, prepare for, and respond to the impact of such events under extreme circumstances.
- D. Minimize UAC and OTM time in CBP custody.

III. Execution:

A. The Port Director will:

1. Exercise the responsibility to control the flow of people across our borders.
2. Ensure terrorists, terrorist weapons, narcotics, criminal aliens, prohibited goods, and other illegal merchandise are prevented from entering the United States.
3. Ensure that the security of the inspection process is sufficient to identify frivolous or fraudulent applications for admission or discretion.
4. Ensure that bona fide applicants for admission are processed expeditiously.
5. Guarantee humane treatment of migrants and ensure due process under the Immigration and Nationality Act (INA).
6. Identify the port's detention capacities, operational thresholds, and specific trigger points requiring outside assistance.

B. The Port Director will implement a phased approach to manage the mass migration.

1. Phase I – Organic Capabilities Sustained

- i. Mass migration does not exceed the operational capabilities of the Port of Progreso.
- ii. The Port of Progreso will detain and process migrants under standard operational procedures.

2. Phase II – Organic Capabilities Strained

- i. Mass migration exceeds the capacity of the Port of Progreso.
- ii. Port Director will coordinate with the Ports of [REDACTED] LE [REDACTED] for assistance...
- iii. Port Director will coordinate with [REDACTED] LE [REDACTED] Border Patrol station for assistance.
- iv. Port Director will activate Tactical Enforcement Officers (TEOs) and increase port's security posture.
- v. Port Director will begin coordination with ORR, ERO, and the STC, to prepare for potential event expansion.

- vi. Port Director will establish communication with Government of Mexico (GoM) to elicit information about mass migration.
- vii. Port Director will test overflow processing work stations in anticipation of LFO jump team deployment.

3. Phase III – Organic Capabilities Exceeded

- i. Mass migration exceeds the capacity of port facilities.
- ii. Port Director will coordinate with USBP, CBP Office of Air and Marine (OAM), and other local law enforcement agencies (LEAs) to help maintain port security.
- iii. Port Director will staff the Donna International Crossings after hours for processing.
- iv. Port Director will assign local jump teams to appropriate port locations.
- v. Port Director will initiate Secondary Processing and Detention facility at the Donna International Crossing main building.
- vi. Port Director will coordinate with ORR and ERO for assistance with transporting aliens out of the area.

4. Encounter

Triage / Categorizing

- i. The Port has established pre-staging/staging wait areas
- ii. Assigned Officers will separate migrants into the following groups and processed in this order:



5. Staging

- i. UAC and Family Units will be escorted to the Passport Control Secondary interview rooms.
- ii. Adult females, and adult males will be escorted to the Passport Control Secondary lobby.

- iii. Migrants will be monitored at all times regardless of staging location by designated security officers/agents.

6. Initial Medical Screening

- i. Officers will canvas migrants to determine if a medical emergency/issue exists.
- ii. In the event of a medical emergency/issue, all emergency medical protocols will be initiated by CBP personnel on scene.
- iii. An improvised isolation area has been designated for migrants deemed to pose a health and safety risk (contagious disease).

7. Processing

See Administration section (IV) (C) (6) for processing capacity specifics

Approximate processing times:

- i. UAC (1) 2-4 hours
- ii. ER/CF (1) 2-4 hours
- iii. NTA/Detain (1) 2-4 hours

- 8. The appropriate office will be contacted upon processing completion to request placement.

C. Transportation

- 1. G4S will be used to the greatest extent possible
- 2. If G4S is unable to transport, the Port of Progreso, Texas will use organic resources

IV. Administration:

- A. The port's command center will be activated at the Port Director's discretion.

- 1. All reporting will be consolidated at the LFO and forwarded to appropriate higher commands.
- 2. Port's operational chain of command:
 - i. Incident Commander Port Director or designee
 - ii. Operations Officer Chief Officer/APD
 - iii. Security Officer Supervisor on duty
 - iv. Intelligence Officer TAU Officer/Supervisor on duty

B. To the extent possible, operations will be executed utilizing organic port resources and personnel.

- | | |
|--|----|
| 1. CBP Officers (Series 1895) | 84 |
| 2. CBP Canine Enforcement Officers (Series 1895) | 6 |
| 3. CBP Agriculture Specialists (Series 401) | 5 |

C. Resource requirements will be identified and relayed to the LFO:

1. Cost Estimates / Funding Issues
 - i. Supplemental overtime funding and/or other funding issues outside normal operations will be required.
 - ii. Specific overtime and resource requirements (food, hygiene supplies, sanitation contracts, etc.) will be event-dependent and assessed by port director.
 - iii. Port Director will request overtime cap waivers for appropriate port personnel.
 - iv. Supplemental OIT support will be required.
2. Travel
 - i. Travel and per diem expenses may be required.
 - ii. Specific TDY support will be event-dependent and assessed by the port director.
3. Lodging
 - i. Lodging expenses may be required.
 - ii. Specific lodging requirements will be event-dependent and assessed by the port director.
4. Reception of Detailed Personnel
 - i. Port Director will be responsible for receiving detailed personnel, providing operational briefing, providing work assignments, etc.
5. Uniform and Equipment
 - i. All CBP personnel will wear approved uniform and will be equipped in accordance with existing protocol and policy. All specialty units will wear authorized uniforms utilized by their respective units.

- ii. CBP personnel will be required to follow all established DHS/CBP policy and guidelines. All armed CBP personnel will carry the standard issued CBP sidearm and approved intermediate force weapons and will comply with all CBP use of force policies and regulations.
- iii. Utilization of body armor and the carrying of long-arms are encouraged for officer safety.
- iv. All personnel detailed to this operation will be equipped by their duty station with CBP approved equipment.

6. Alien Processing

- i. All illegal aliens apprehended within the POEs will be processed in accordance with established procedures and at designated locations. Port Director will coordinate with the United States Attorney's Office (USAO) if prosecution is deemed necessary.
- ii. Operational Areas:
 - a. Progreso Port of Entry
 - i. Passenger Operations: 24 hours / 7 days a week
 - ii. 4 available processing stations (4 inside secondary)
 - iii. 4 detention cells (3 wet / 1 dry) with the capacity to house 14 migrants (approximate)
 - iv. 1 dedicated holding room that can accommodate family unit of 4 (approximate)
 - v. Lobby area capacity is 25 (approximate)
 - b. Donna International Crossing
 - i. Passenger Operations: 0600 – 2200 / 7 days a week
 - ii. Admin Building: 7 available processing stations (3 in interview rooms / 4 at counter); 5 detention wet cells; 3 hard interview rooms with the capacity to house 20 migrants (approximate)
 - iii. Secondary Building: 4 available processing stations (2 in interview rooms); 2 detention wet cells and 1 dry cell with the capacity to house 12 migrants (approximate)
 - iv. Lobby area capacity is 30 (approximate)

7. Medical

- i. In the event of a medical emergency, all emergency medical protocols will be initiated by CBP personnel on scene.
- ii. All medical emergencies will be transported to the nearest medical facility. Port Director will maintain an updated list of addresses, phone numbers and trauma levels of hospitals in their area of responsibility.
- iii. The Port Director will ensure that appropriate Personal Protective Equipment (PPE) is available.
- iv. The Port Director has made arrangements with Knapp Medical Center in Weslaco, Texas for medical triage in the event of a mass migration.

8. Detention / Transportation

- i. Detention and transportation responsibilities will be conducted in accordance with existing CBP policy. All detained subjects will be detained and transported in relation to the category in which they were processed under. Port Director will provide detailed instructions to assigned personnel on detention and transportation policies.

9. Vehicles

- i. GOVs will be fueled as per existing port and field office policies.
- ii. The Port will utilize the two assigned vans for transportation related functions (13 person capacity per van).

V. Command / Control / Communications:

- A. The Port Director will designate an incident commander.
- B. The Port Director will coordinate with the LFO, and the Government of Mexico (GoM) as necessary.
- C. Port Director, or his/her designee, will have operational control and command authority over respective CBP components involving, organizing, and employing commands, assigning tasks, designating objectives and giving authoritative direction necessary to accomplish area objectives will maintain tactical and operational control of their assets.
- D. Communication will occur throughout the LFO under the purview of existing policy and capabilities. All communications will be carried out in the encrypted mode.

Appendices

Media Plan:

All media inquiries will be referred to the CBP Office of Public Affairs (OPA)

D. Sandra Cavazos (PGR) (956) 708-9909

E. Mucia Dovalina (LFO) (956) 753-1703

Air Plan:

The Progreso Port of Entry will coordinate with local OAM branches to secure operational support such as aerial observation of the POEs and surrounding areas, aerial reconnaissance of routes of ingress, transportation of SRT, etc.

Contacts:

Points of Contact:

- Ursula – OIC (956) 632-8005
- ERO, Harlingen – OIC (210) 389-7051
- PIDC – OIC (956) 547-1711
- PGR Bridge Director – Julie Ramirez (956) 565-6361
- Donna Bridge Director – Josh Garcia (956) 650-7967
- Donna GSA/ Manager – Amy Mendoza (956) 252-6057
- Progreso GSA/ Manager – Rudy Sanchez (956) 322-9967

General Contact Information:

- Hidalgo County SO (956) 383-8114
- WESLACO BP (956) 647-8800
- WESLACO PD (956) 968-8591
- DONNA PD (956) 464-4423
- OBP RGV Sector (956) 289-4800
- OBP Weslaco Station (956) 968-0602
- OBP McAllen Station TOC (956) 217-3827
- OBP McAllen Station (956) 217-3700
- OBP BORTAC Liaison (956) 532-7872
- OAM Liaison (956) 972-6350
- Texas Department of Public Safety (956) 565-7600
- HSI Duty Agent (800) 973-2867

Government of Mexico Partners

- CISEN 011-521-899-101-0751
- UASIF (Office) 1-877-367-7710
- Mexico Federal Police 011-52-899-909-0000
- Administrator, Mexico Customs, Jaime Nova 011-52-899-921-0262
011-521-552-909-1803
- Operations, Mexico Customs, Alejandro Garcia 011-52-899-921-0255
011-521-899-308-4673
- Tactical, Mexico Customs, Lucio Coronel 011-52-899-921-0223
011-521-554-331-7215
- Mexican Customs/Immigration (PGR) 011-52-899-937-0580
- Sat (PGR) — Christian Rodriguez 011-52-899-921-0209
011-521-626-106-8247
- Federal Tolls – Nuevo Progreso (PGR) 011-52-899-937-0058

Medical Centers

Weslaco Knapp Medical Center
1401 E 8th St
Weslaco, TX
(956) 968-8567 (7.5 Miles)

South Texas HS ER
330 West Expressway 83
Weslaco, TX
(956) 975-2300 (9.5 miles)

Rio Grande Regional
101 E Ridge Rd
McAllen, TX
(956) 632-6000 (21.9 Miles)

McAllen Medical Center
311 W Expressway 83
McAllen, TX
(956) 632-4100 (22.8 Miles)

Harlingen Valley Baptist Medical Center
2101 Pease St
Harlingen, TX
(956) 389-1100 (24.2 Miles)

Mission Regional Medical Center
900 S. Bryan
Mission, TX

(956) 323-9000 (27.7 Miles)

Valley Baptist Medical Center

1040 W Jefferson St

Brownsville, TX

(956) 698-5400 (34.7 Miles)

Valley Regional Medical Center

100 E Alton Gloor Blvd

Brownsville, TX

(956) 350-7000 (39.9 Miles)

Starr County Memorial Hospital

1861 US 83

Roma, TX

(956) 487-5561 (65.6 Miles)

Annex H
Port of Roma, Laredo Field Office (LFO)
Contingency Plan Addressing Possible Mass Migration Influxes

I. Situation:

- A. During FY16 the Port of Roma saw a dramatic increase in applicants seeking entry into the United States without lawful entry documentation.
- B. Most of the applicants are seeking asylum in the United States, are expressing a fear (Credible Fear/CF) of returning to their home country, and/or want to reunite with a parent/family member in the United States.
- C. A significant number of the applicants are other than Mexicans (OTMs) and Cuban nationals.
- D. Most of the applicants are arriving as unaccompanied alien children (UACs) and family units, while most Cuban arrivals are adults.
- E. Due to a significant increase in apprehensions by United States Border Patrol (USBP) in the LFO area of responsibility (Del Rio, Laredo, and Rio Grande Valley Border Patrol Sectors), the delay in obtaining detention space from the Office of Refugee Resettlement (ORR) and Immigration and Customs Enforcement (ICE) Enforcement Removal Operations (ERO) has increased from an average of 24-48 hours, to five days or more. These delays have impacted port operations as port resources are used to conduct long term detention duties – medical escorts, security duties, personal hygiene, feeding, laundry duties, and transportation (airports, shelters, way stations, detention centers, etc.).
- F. The Port of Roma does not have the facilities, infrastructure, equipment or personnel necessary to accommodate a large number of arriving aliens for extended detention periods.

II. Mission:

- A. The Port of Roma will effectively manage a mass migration event and/or a sustained migration occurring at the port of entry.
- B. The mass migration will be managed while maintaining continuity of operations (COOP).
- C. The purpose of this plan is to mitigate the risk to life from a mass migration event, and to ensure that the borders are secured while ensuring that legitimate trade and travelers continue to cross our borders without significant delays. These incident management strategies are designed to facilitate CBP's ability to mitigate against, prepare for, and respond to the impact of such events under extreme circumstances.
- D. Minimize UAC and OTM time in CBP custody.

A. The Port Director will:

1. Exercise the responsibility to control the flow of people across our borders.
2. Ensure terrorists, terrorist weapons, narcotics, criminal aliens, prohibited goods, and other illegal merchandise are prevented from entering the United States.
3. Ensure that the security of the inspection process is sufficient to identify frivolous or fraudulent applications for admission or discretion.
4. Ensure that bona fide applicants for admission are processed expeditiously.
5. Guarantee humane treatment of migrants and ensure due process under the Immigration and Nationality Act (INA).
6. Identify the port's detention capacities, operational thresholds, and specific trigger points requiring outside assistance.

B. The Port Director will implement a phased approach to manage the mass migration.

1. Phase I — Organic Capabilities Sustained

- i. Mass migration does not exceed the operational capability of the Roma POE.
- ii. Roma POE local protocols and SOPs will be followed and the processing of aliens will continue.

2. Phase II – Organic Capabilities Strained

- i. Mass migration exceeds the capacity of at least one port facility, as identified in port-specific annexes.
- ii. Port Director will coordinate with neighboring POEs for assistance. (F LE)
- iii. Port Director will coordinate with the (LE USBP stations for assistance).
- iv. Port Director will activate Tactical Enforcement Officers (TEOs) and increase port's security posture.
- v. Port Director will begin coordination with ORR, ERO, and the STC, to prepare for potential event expansion.

- vi. Port Director will establish communication with Government of Mexico (GoM) to elicit information about mass migration.
- vii. Port Director will test overflow processing work stations in anticipation of LFO jump team deployment.

3. Phase III – Organic Capabilities Exceeded

- i. Mass migration exceeds the capacity of port facilities.
- ii. Port Director will coordinate with USBP, CBP Office of Air and Marine (OAM), and other local law enforcement agencies (LEAs) to help maintain port security.
- iii. Port Director will staff the Falcon Dam POE after hours for processing.
- iv. Port Director will assign deployed jump teams to appropriate port locations.
- v. Port Director will coordinate with ORR and ERO for assistance with transporting aliens out of the area.

4. Encounter

- i. Staging
- ii. Triage / Categorizing
 - a. UACs
 - b. Family Units
 - c. Adults
- iii. Initial Medical Screening
 - a. Pregnant
 - b. Communicable Diseases
 - c. Disabilities/Special Needs

5. Processing

- i. Holding Areas: The Roma POE currently has the capacity to stage approximately 54 persons in the passport control lobby and secondary areas (32 in the lobby, 6 in hard secondary, 12 in the conference room and 4 in the holding cells). The Falcon Dam POE currently has the capacity to stage approximately 22 persons in the passport control lobby and secondary areas (16 in the lobby, 2 in hard secondary and 4 in the holding cells). The training room

has been identified as an area that could potentially hold an additional 20 aliens if the proper resources are allotted.

- a. All UAC and family unit encounter will be safeguarded in the passport control interview rooms, processing area and possibly the POE's conference room in order to provide the least restrictive detention.
- b. All family units will placed in the passport control area.
- c. All other adults beginning with males will be placed in the holding cells (4 total/2 wet-2 dry)
- d. The Falcon Dam POE would follow the same protocol except that the Falcon POE has 4 wet cells.

ii. Processing Capacity

- a. The Roma POE has three interview rooms equipped with ~~LE~~ plus an additional 6 processing stations. Additional resources would need to be provided to be able to optimize the processing capacity.
- b. ~~The Falcon POE~~ has one processing station equipped with ~~LE~~ plus 4 other stations which can easily be utilized to process additional aliens.

iii. Processing Times: Based in the workstations available and absent any language barriers (i.e. other than English or Spanish), the Port of Roma has the capacity to process no more than 108 cases in a 24-hour period. The Port of Falcon has the capacity to process no more than 60 cases in a 24-hour period.

Note: Hard secondary CBPOs do continue servicing the soft secondary counter while processing cases requiring additional resources be assigned to the PCS area. In addition, the Falcon POE is operational for 14 hours only and would require and extensive addition of resources in order to operate 24 hours per day. Times noted below are per case and type.

- | | |
|---------------|-----------|
| a. Cubans | 1-2 hours |
| b. UAC | 6-8 hours |
| c. ER/CF | 4-5 hours |
| d. NTA/Detain | 6-8 hours |

6. Transportation

- i. G4S services will be utilized to the greatest extent possible.
- ii. In the event that G4S is unable to assist, organic resources from the Roma POE will be utilized.

IV. Administration:

A. The port's command center will be activated at the Port Director's discretion.

- 1. All reporting will be consolidated at the LFO and forwarded to appropriate higher commands.
- 2. Roma POE's command structure
 - i. Incident Commander Port Director or designee
 - ii. Operations Officer APD/Chief SCBPO
 - iii. Security Officer On-duty SCBPO
 - iv. Intelligence Officer TAU CBPO/A-TCET

B. To the extent possible, operations will be executed utilizing organic port resources and personnel.

- 1. CBP Officers (1895 series) 101

C. Resource requirements will be identified and relayed to the LFO:

- 1. Cost Estimates / Funding Issues
 - i. Supplemental overtime funding and/or other funding issues outside normal operations will be required.
 - ii. Specific overtime and resource requirements (food, hygiene supplies, sanitation contracts, etc.) will be event-dependent and assessed by port director.
 - iii. Port Director will request overtime cap waivers for appropriate port personnel.
 - iv. Supplemental OIT support will be required.
- 2. Travel
 - i. Travel and per diem expenses may be required.
 - ii. Specific TDY support will be event-dependent and assessed by the port director.

3. Lodging

- i. Lodging expenses may be required.
- ii. Specific lodging requirements will be event-dependent and assessed by the port director.

4. Reception of Detailed Personnel

- i. Port Director will be responsible for receiving detailed personnel, providing operational briefing, providing work assignments, etc.

5. Uniform and Equipment

- i. All CBP personnel will wear approved uniform and will be equipped in accordance with existing protocol and policy. All specialty units will wear authorized uniforms utilized by their respective units.
- ii. CBP personnel will be required to follow all established DHS/CBP policy and guidelines. All armed CBP personnel will carry the standard issued CBP sidearm and approved intermediate force weapons and will comply with all CBP use of force policies and regulations.
- iii. Utilization of body armor and the carrying of long-arms are encouraged for officer safety.

6. Special Equipment

- i. All personnel detailed to this operation will be equipped by their duty station with CBP approved equipment.

7. Alien Processing

- i. All illegal aliens apprehended within the POEs will be processed in accordance with established procedures and at designated locations. Port Director will coordinate with the United States Attorney's Office (USAO) if prosecution is deemed necessary.
- ii. Operational Logistics
 - a. Roma Port of Entry
 - i. Passenger Operations: 24hours/7 days a week
 - ii. 3 interview rooms with 6 additional processing stations
 - iii. 4 Detention cells (2 wet/ 2 dry) with a capacity of 4 each

- iv. 1 Passport control lobby with a capacity of 32
- v. 3 Interview rooms with a capacity of 3 each (UACs)
- vi. 1 Conference room with capacity of 12
- vii. TOTAL CAPACITY = 54

b. Falcon Dam Port of Entry

- i. Passenger Operations: 14 hours/7 days a week
- ii. 1 Processing station
- iii. 4 Detention cells (4 wet) with a capacity of 1 (each)
- iv. 1 Passport control lobby with a capacity of 16
- v. 2 Interview rooms with a capacity of 3 each (UACs)
- vi. 1 Training room with a capacity of 20
- vii. TOTAL CAPACITY = 22 (with an option of an additional 20 staged in the training room)

8. Medical

- i. In the event of a medical emergency, all emergency medical protocols will be initiated by CBP personnel on scene.
- ii. All medical emergencies will be transported to the nearest medical facility. Port Director will maintain an updated list of addresses, phone numbers and trauma levels of hospitals in their area of responsibility.
- iii. Personal Protective Equipment will be made available by Port Management.

9. Detention / Transportation

- i. Detention and transportation responsibilities will be conducted in accordance with existing CBP policy. All detained subjects will be detained and transported in relation to the category in which they were processed under. Port Director will provide detailed instructions to assigned personnel on detention and transportation policies.

10. Vehicles

- i. GOVs will be fueled as per existing port and field office policies.

- ii. Transports will be carried out using the designated transport van and following established policies and SOPs.

V. Command / Control / Communications:

- A. The Port Director will designate an incident commander.
- B. The Port Director will coordinate with the STC, OFO headquarters, and the Government of Mexico (GoM) as necessary.
- C. Port Director, or his/her designee, will have operational control and command authority over respective CBP components involving, organizing, and employing commands, assigning tasks, designating objectives and giving authoritative direction necessary to accomplish area objectives will maintain tactical and operational control of their assets.
- D. Communication will occur throughout the LFO under the purview of existing policy and capabilities. All communications will be carried out in the encrypted mode.

Appendices

Media Plan:

The LFO Public Affairs Officer (PAO), in coordination with CBP Office of Public Affairs (OPA), will coordinate responses to media inquiries and other media and public messaging.

A. Mucia Dovalina (LFO) (956) 753-1703

B. Rick Pauza (CBP) (956) 359-5079

Air Plan:

The Port Director will communicate with the LFO who in turn will coordinate with local OAM branches to secure operational support such as aerial observation of the POEs and surrounding areas, aerial reconnaissance of routes of ingress, transportation of SRT, etc.

Health and Safety Annex:

The Port Director will ensure that the Laredo Field Office Standard Operating Procedures for Serious Communicable and Quarantinable Diseases are followed by all CBP employees.

Phone Tree:

• OBP RGC	Ryan Landrum	(956) 487-1044
• ERO POC	Jacob Castro	(956) 463-3678
• Asylum POC	Daniel Phillips	(281) 931-2113
• Starr County Bridge	Roy Pena	(956) 849-7371
• GSA	Lisa Langham	(956) 821-0244
• Starr County S.O.	Rene Fuentes	(956) 487-5571
• Roma P.D.	Jose H. Garcia	(956) 849-2231
• Zapata S.O.	Alonzo Lopez	(956) 765-9960
• H.S.I.	Louis Gomez	(956) 848-5244
• D.P.S.	J Simpson	(956) 565-7600

Government of Mexico Counterparts:

• MX Customs	Luis Almaguer	011528971059001
• MX Immigration	Onecimo Lopez	011528979720001
• CISEN	Carlos Mata	0115218677271961
• UASIF		1-877-367-7710

Medical Centers:

Starr County Memorial Hospital
1861 US 83
Roma, TX (11 Miles)
(956) 487-5561

Rio Grande Regional
101 E Ridge Rd
McAllen TX
(956) 632-6000 (53.5 Miles)

McAllen Medical Center
311 W Expressway 83
McAllen TX
(956) 632-4100 (53.5 Miles)

Mission Regional Medical Center
900 S. Bryan
Mission TX
(956) 323-9000 (48.3 Miles)

**Annex I
Land Border Environment
Standard Operating Procedures**

**Laredo Field Office
Continuity of Operations Plan (COOP) Appendix**

Function: Serious Communicable/Quarantinable Disease Risk **Date:** August 12, 2014
Reviewed: July 11, 2017
Location: Laredo Field Office

Background:

U.S. Customs and Border Protection (CBP) has received guidance from the Centers for Disease Control and Prevention (CDC) and Public Health concerning safety measures for encounters with travelers arriving at land border locations who exhibit symptoms of a serious communicable or quarantinable disease. CBP, Field Operations, is directing Field Offices and Port locations to utilize the information and guidance contained herein as Standard Operating Procedures (SOP) for encounters with land border crossers exhibiting symptoms of a serious communicable or quarantinable disease.

The SOP below is issued to reinforce CBP directives, training and musters relative to CBP land border processing, as well as encounters with and processing of individuals who may present public health threat.

Related Directives and Memorandum of Understanding:

- CBP Directive No. 3340-040A, Primary Processing of Travelers and Vehicles Seeking Entry to the United States at Land Ports of Entry
- CBP Directive No. 3340-030B, Secure Detention, Transport and Escort Procedures at Ports of Entry
- CBP Directive No. 5290-007A, Land Border Inspectional Safety Policy
- CBP Directive 4510-026A, Controlled Tire Deflation Directive
- Memorandum of Understanding between the Department of Health and Human Services and Homeland Security (October 2005)

Information Sharing and Collection:

- In accordance with Headquarters memorandum dated May 22, 2009, and titled "CBP Guidance for Processing Local Requests for Assistance or Information from the Centers for Disease Control, CBP will share information with the Department of Health and Human Services (HHS), Centers for Disease Control and Prevention (CDC).
- All information sharing requests will be managed in accordance with current CBP Guidance for Processing Local Requests for Assistance or Information.

Travelers' Health and Medical Surveillance:

- Field Office and Port locations will take note of those travelers that exhibit symptoms consistent with a serious communicable or quarantinable disease during normal processing activities (i.e., watching for illness) based on specific CBP Headquarters guidance.
 - **Watching for Illness:**
The recognition and reporting of overt visible signs of illness, provided in the course of routine interactions with detainees of travelers. "Watching for Illness" does not involve the eliciting of a medical history or performance of a medical exam.
 - **Active Surveillance:**
At the CDC's request, and as specifically directed by CBP headquarters, CBP officer and Agriculture Specialists may assist in performing active surveillance. Active surveillance is to identify ill persons suspected of possible infection with, or exposure to, pandemic influenza. Active measures are risk-based, can be varied, and will depend on location and extent of the pandemic outbreak. It may consist of a number of CDC-approved and imposed methods to assess risk that people entering the U.S. from affected countries or regions are carrying a quarantinable disease. These measures may be implemented at heightened time of operations during a declared pandemic.

CBP officers must be vigilant while performing inspectional duties. This includes observing border crossers for signs or symptoms of public health targeted illnesses, and reviewing itineraries, public health lookouts, and information from the CDC that may indicate certain individuals and/or diseases are a potential public health threat.

- Port locations will develop/identify procedures to ensure travelers exhibiting symptoms associated with a serious communicable or quarantinable disease are not able to exit the CBP area prior to consultation with the CDC or other appropriate health authorities. In addition, all primary booths and secondary officers will have appropriate Personal Protective Equipment (PPE). N-95 Respiratory face masks, surgical masks, and latex or nitrile gloves will be available at all ports of entry. Surgical masks will be for the use by any person suspected of being infected with a serious or communicable disease identified as a potential public health threat and N-95 masks will be for CBP officers' immediate use as appropriate.
- Leather or neoprene search/work gloves should not be worn for routine document inspections due to the inherent risk of contamination to the glove surfaces. CBP officers who choose to wear gloves for added protection will wear them under a pair of nitrile or latex gloves. CBP officers will wash their hands thoroughly with soap and water or alcohol-based hand gel in accordance with CDC and CBP guidance.

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Encountering and Securing a Public Health Threat:

- All CBP officers who encounter and interact with ill travelers will utilize PPE commensurate with the level of risk and severity of symptoms; this should include the wearing of nitrile gloves and an N-95 mask, per CBP guidance, but may also include disposable goggles or TYVEK suits as may be required.
- In cases where CDC has prepared Traveler Alert Notices (T-HANS) or severe communicable/quarantinable disease information for dissemination, CBP personnel will provide the approved written information/guidance to arriving passengers at the primary booths or at passport control processing stations for those locations that lack a fully equipped FIS style facility.

Passenger/Commercial Vehicle or Pedestrian:

- CBP officers encountering individuals traveling via passenger (car, motorcycle, etc.) or commercial vehicle (truck), or pedestrian lane(s) who, during processing, display or declare obvious signs or symptoms of a serious communicable or quarantinable disease, or are a public health lookout, must take the following actions:





LE

Passenger Train or Bus:

- CBP officers encountering individuals traveling via train or bus who, during processing, display or declare obvious signs or symptoms of a serious communicable or quarantinable disease, or are a public health lookout, must take the following actions:



LE

LE

Refusals:

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-

LE

Custodial Care of I/II or Informed Persons in CBP Custody:

- Persons encountered who are suspected of having or declare that they have a serious communicable or quarantinable disease, or who are identified as a potential public health threat, and who are also the subject of an enforcement action and CBP detention, shall be detained and monitored in accordance with CBP Directive 3340-030B, Secure Detention, Transport and Escort Procedures at Ports of Entry.
- **Individual Caution Sheet:** An Individual Caution Sheet (copy attached) will be generated and posted near the entrance to the detention cell or in the secure area for those detainees who pose a special risk or who have particular needs, e.g. diabetic requiring injections or possible suicide risk. The sheet should not be posted in an area easily viewed by the public.
- The fact that there is a person detained with an Individual Caution Sheet will be communicated to all CBP officers on site during shift change briefings/musters.
- The Individual Caution Sheet will contain, at minimum, the following information regarding the person's special risk factor(s):
 - (a) Name and DOB
 - (b) Medical condition - requires prescribed medication
 - (c) Hostile or uncooperative
 - (d) Depression or suicidal
 - (e) Asylum Claimant
 - (f) Juvenile
 - (g) Communicable Disease
 - (h) Other
- The sheet will be maintained until the person is no longer in CBP custody.
- The Individual Caution Sheet must accompany an alien transferred to a formal detention center. After the person is released or transferred to another agency or facility, a copy of the Individual Caution Sheet will be retained locally for two years and three months, (see CBP Directive 3340-030B, Secure Detention, Transport and Escort Procedures at Ports of Entry).
- **Medical Monitoring:** An Individual Caution Sheet will be generated whenever a CBP officer suspects or receives information that a traveler detained for an independent law enforcement reason may have a serious communicable or quarantinable disease identified as a public health threat (such as TB, Severe Acute Respiratory Syndrome (**SARS**), Avian Influenza or H1N1 Influenza).
 - All persons placed in a secure area at a CBP facility will be asked whether they have a medical problem or condition that may require some attention. If they are currently taking any prescribed medications the CBP officers will attempt to identify the type of prescribed medication, when it was last taken, and when the next dosage is needed.

- *An individual in CBP custody arrived from Mexico with prescription medication in his/her possession.* CBP officers shall not administer the medication without consulting with a health care provider in the U.S.
- *An individual in CBP custody is prescribed medication by a health care provider in the U.S.* Accordingly, in this case, we believe it is permissible for the Agency to administer the medication. The medicine is to be administered at a level no lower than a second-line supervisor.
- Administration of prescribed medication, medical assistance, or refusal of the same, will be noted on the Individual Caution Sheet.

Medical Emergencies – Arrival by Land:

- All declared or apparent medical emergencies arriving at a port of entry, or other location where inspectional services are provided, shall be treated as a bona fide emergency unless refuted by evidence to the contrary.
- Persons seeking admission into the United States with a medical emergency will only be delayed for such time as to validate their claim of an emergency, ascertain their intended destination, obtain a declaration of citizenship and their immigration status (visitor, LPR, student visa, etc.).
- When arriving via private vehicle, in most cases, the prudent action will be to summon Emergency Medical Services (EMS) providers to the Port of Entry location and begin to render aid and assistance as may be required. Any remaining inspectional requirements for those persons proceeding inland via ambulance will be accomplished after the medical emergency has been resolved, which may include escort to a medical facility in the United States. CBP employees must exercise sound judgment and remain professional when handling such emergencies.
- CBP officers are reminded their personal health and safety, and that of the traveling public around them, is of paramount importance. CBP officers encountering declared emergencies in private or commercial vehicles or pedestrian traffic will notify, telephonically or via portable radio, a shift supervisor regarding the location and nature of the emergency. This will include any subsequent action initiated or requested such as the rendering of first aid care, the wearing of PPE, and the notification of local emergency services, via 9 1 1, where applicable.

Cross-Border Ambulance Processing Procedures – Land Border Ports of Entry:

- In an effort to standardize operating procedures, the steps below will be taken to ensure the effective processing of ambulance traffic.
- Ports must meet with and provide local EMS Ambulance companies a copy of this specific section dealing with Cross Border Ambulance Processing procedures ONLY, as well as, the telephone numbers to land border bridge authorities and the respective CBP port of entry.
- Whenever it is anticipated that an ambulance will be crossing the border from Canada or Mexico, the ambulance company's dispatch should expeditiously telephone the respective bridge or port authority and/or CBP office, and provide the following information:
 - (a) Ambulance starting point and final destination.
 - (b) Number of ambulance crew on board.
 - (c) Patients name, citizenship, date of birth, country of residence and current status in Canada or Mexico.
 - (d) Nature of the transport process (e.g. hospital to hospital transport, accident victim, possible treatment/quarantine for a serious communicable or quarantinable illness).
 - (e) Priority of Response (routine or urgent).
 - (f) Estimated time of arrival at the border.
- The ambulance dispatch center may receive specific direction from CBP or the bridge authority as to what traffic lane or booth to use.
- The ambulance vehicle operator will make every attempt to follow these directions to the best of their ability. In all cases, the ambulance staff will follow the procedures as outlined below:
 - (a) Under no circumstances will any ambulance or staff member fail to stop at CBP inspectional lanes.
 - (b) All ambulance auditory warning devices will be switched off prior to entering the primary inspection lane.
 - (c) The driver of the ambulance will come to a full stop to inform the inspecting CBP officer of their destination and patient information.
 - (d) Ambulances engaged in routine transport (non-emergency cases), where the staff and patient are able to communicate verbally with inspecting CBP officers without compromising the medical care of the patient, will stop and complete CBP's primary inspectional process.
 - (e) If the CBP officer does not observe any abnormalities or receive conflicting information, the ambulance will be allowed to proceed inland or to secondary to transfer the patient to a U.S. based EMS ambulance.
 - (f) If questions or concerns regarding citizenship or legal status arise during a medical emergency, the ambulance will be allowed to proceed and CBP officers will follow the ambulance to the medical care facility for completion of any remaining border inspectional requirements.

(g) If the intended medical facility is changed en-route, but after release from the land port of entry, the ambulance dispatch center must telephone CBP immediately to provide the change of destination.

Transportation:

- In the event a symptomatic traveler is directed by the CDC to be transported to a medical facility for further testing and/or evaluation, local EMS will be contacted to transport the individual to the medical facility. CBP port managers will coordinate transportation with CDC and EMS officials to identify transportation needs and transportation safety guidance for CBP Officers that may be required to assist with the transport of a symptomatic passenger.
- If it is determined that an alien must be transported to a medical facility or other designated quarantine facility for further examination or isolation before a determination of admissibility can be made, CBP, wherever practicable, may parole the traveler into the United States on a temporary basis for medical treatment.

Employee Health and Worker Protection and Countermeasures:

- An IOIL will be created for all encounters with a public health threat.
- CBP management personnel will document all CBP personnel who have been exposed to a suspected public health threat utilizing a CA-2.
- If a CBP employee is exposed to a potentially contagious border crosser, CDC personnel will be provided with CBP Supervisory contact names and telephone numbers so that CDC may advise them appropriately.
- Supervisors (Managers, Management) should inform an employee of any instance in which a traveler whom the employee has cleared is confirmed to have a known serious communicable or quarantinable disease. Supervisors (Managers, Management) should tell the employee that there is a chance he/she has been exposed to a serious communicable or quarantinable disease and should recommend that the employee obtain an evaluation of his/her health status from a medical professional.

CBP Internal Reporting Requirements

- In all cases when CBP encounters an ill traveler or multiple travelers, the duty Supervisor will follow the port chain of command protocols until the Director, Field Operations and appropriate Field Office staff is notified as soon as possible. The duty Supervisor will also provide updates as appropriate.
- Directors, Field Operations will ensure that notification is provided as soon as possible to the Assistant the Assistant Commissioner, Field Operations of the situation along with providing appropriate updated information until the situation is resolved.

- The duty Supervisor will report to the Commissioner's Situation Room in accordance with CBP Directive 3340-025C Commissioner's Situation Room Reporting.

Media Inquiries:

- All media requests for information/interviews will be coordinated in advance through the Field Office Public Affairs Officer to ensure the most current public affairs guidance is utilized.
- Field Office Public Affairs Officers will disseminate, as appropriate, the most current Public Affairs Guidance issued by CBP Headquarters.

Use of Force:

- As in all other enforcement circumstances, CBPOs are authorized to employ reasonable and necessary force commensurate with the circumstances presented. CBPOs must follow existing policy on the use of force continuum. To help avoid use of force situations, it is recommended that CBPOs focus efforts on gaining cooperation and consent from individuals who demonstrate signs and symptoms of infection, or who provide information that may suggest potential infection.
- CBPOs should be advised that individuals who are infected with a serious communicable or quarantinable disease and who do not consent, who are uncooperative, or who attempt to flee an area in contravention of a CBP request or direction to move to another area for further inquiry and/or examination, are not deemed to pose an imminent threat of death or serious bodily injury to employees or others, and such actions do not justify the use of deadly force under current DHS and CBP guidelines and policies.

Annex J Temporary Holding Cell Capacities

TEMPORARY HOLDING CELL CAPACITY BROWNSVILLE POE

Location	Cell in Admissibility Processing Area	Cell (1) Capacity	Cell (2) Capacity	Total Capacity
GATEWAY	2	8	7	15
B&M	2	10	10	20
VETERANS	2	8	7	15
LCS INDIOS	2	10	9	19
TOTALS:	8	36	33	69

Location	Cell in Secondary Area		Cell Capacity			Total Capacity	
	Pedestrian	Vehicle	Pedestrian (1)	Pedestrian (2)	Vehicle	Pedestrian	Vehicle
GATEWAY	2	1	5	6	7	11	7
B&M	2	1	6	7	3	13	3
VETERANS	2	1	6	6	2	12	2
LCS INDIOS	2	1	6	9	5	15	5
TOTALS:	8	4	23	28	17	51	17

Grand Total of Cells:	20
Grand Total of Temporary Detention Capacity:	137

TEMPORARY HOLDING CELL CAPACITY DEL RIO POE

Location	Cell in Admissibility Processing Area	Cell (1) Capacity	Cell (2) Capacity	Total Capacity
DEL RIO	8	22	12	34
ADT	2	4	4	8
CARGO	1	3	0	3
HEADHOUSE	1	4	4	4
TOTALS:	12	33	20	49

Location	Cell in Secondary Area		Cell Capacity			Total Capacity	
	Pedestrian	Vehicle	Pedestrian (1)	Pedestrian (2)	Vehicle	Pedestrian	Vehicle
DEL RIO	0	0	0	0	0	0	0
ADT	0	0	0	0	0	0	0
CARGO	0	0	0	0	0	0	0
HEADHOUSE	0	0	0	0	0	0	0
TOTALS:	0	0	0	0	0	0	0

Grand Total of Cells:	12
Grand Total of Temporary Detention Capacity:	49

TEMPORARY HOLDING CELL CAPACITY
EAGLE PASS POE

Location	Cell in Admissibility Processing Area	Cell (1) Capacity	Cell (2) Capacity	Total Capacity
Eagle Pass Intl.	1	2		2
Camino Real	2	4	4	8
TOTALS:	3	6	4	10

Location	Cell in Secondary Area		Cell Capacity			Total Capacity	
	Pedestrian	Vehicle	Pedestrian	Vehicle (1)	Vehicle (2)	Pedestrian	Vehicle
Eagle Pass Intl.		2		1	1		2
Camino Real		2		1	1		2
Railroad		1		2			2
TOTALS:	0	5	0	4	2	0	6

Grand Total of Cells:	8
Grand Total of Temporary Detention Capacity:	16

TEMPORARY HOLDING CELL CAPACITY
LAREDO POE

Location	Cell in Admissibility Processing Area	Cell (1) Capacity	Cell (2) Capacity	Total Capacity
Gateway to the Americas	2	6	6	12
Colombia	2	6	6	12
TOTALS:	4	12	12	24

Location	Cell in Secondary Area		Cell Capacity		Total Capacity	
	Pedestrian	Vehicle	Pedestrian	Vehicle	Pedestrian	Vehicle
Lincoln Juarez	0	2	0	12	0	12
Colombia(Cargo)	0	2	0	12	0	12
World Trade	2	2	12	12	12	12
Airport	0	2	0	12	0	12
Railroad	0	1	0	6	0	6
TOTALS:	2	9	12	54	12	54

Grand Total of Cells:	15
Grand Total of Temporary Detention Capacity:	90

**TEMPORARY HOLDING CELL CAPACITY
HIDALGO POE**

Location	Cell in Admissibility Processing Area	Cell (1) Capacity	Cell (2) Capacity	Total Capacity
HIDALGO	2	6	6	12
PHAR	2	6	6	12
ANZALDUAS	2	6	6	12
TOTALS:	6	18	18	36

Location	Cell in Secondary Area		Cell Capacity			Total Capacity	
	Pedestrian	Vehicle	Pedestrian	Vehicle (1)	Vehicle (2)	Pedestrian	Vehicle
HIDALGO	0	2	0	6	6	0	12
PHAR	0	1	0	6	0	0	6
ANZALDUAS	0	0	0	0	0	0	0
TOTALS:	0	3	0	12	6	0	18

Grand Total of Cells:	9
Grand Total of Temporary Detention Capacity:	54

**TEMPORARY HOLDING CELL CAPACITY
RIO GRANDE CITY/LOS EBANOS POE**

Location	Cell in Admissibility Processing Area	Cell (1) Capacity	Cell (2) Capacity	Total Capacity
RGC POE	2	8	6	14
LOS EBANOS	2	6	6	12
TOTALS:	4	14	12	26

Location	Cell in Secondary Area		Cell Capacity			Total Capacity	
	Pedestrian	Vehicle	Pedestrian (1)	Pedestrian (2)	Vehicle	Pedestrian	Vehicle
RGC POE OUTBOUND	0	1	0	0	4	0	4
LOS EBANOS	0	0	0	0	0	0	0
TOTALS:	0	1	0	0	4	0	4

Grand Total of Cells:	5
Grand Total of Temporary Detention Capacity:	30

TEMPORARY HOLDING CELL CAPACITY

PROGRESO POE

Location	Cell in Admissibility Processing Area	Cell (1) Capacity	Cell (2) Capacity	Cell (3) Capacity	Cell (4) Capacity	Cell (5) Capacity	Total Capacity
Progreso	2	8	6				14
Dorns	5	4	4	4	4	4	20
TOTALS:	7	12	10	4	4	4	34

Location	Cell in Secondary Area		Cell Capacity				Total Capacity	
	Pedestrian	Vehicle	Pedestrian	Vehicle (1)	Vehicle (2)	Vehicle (3)	Pedestrian	Vehicle
Progreso	2		6				6	
Dorns		5		1	1	1		12
TOTALS:	2	5	6	1	1	1	6	12

Grand Total of Cells: 12
Grand Total of Temporary Detention Capacity: 52

TEMPORARY HOLDING CELL CAPACITY

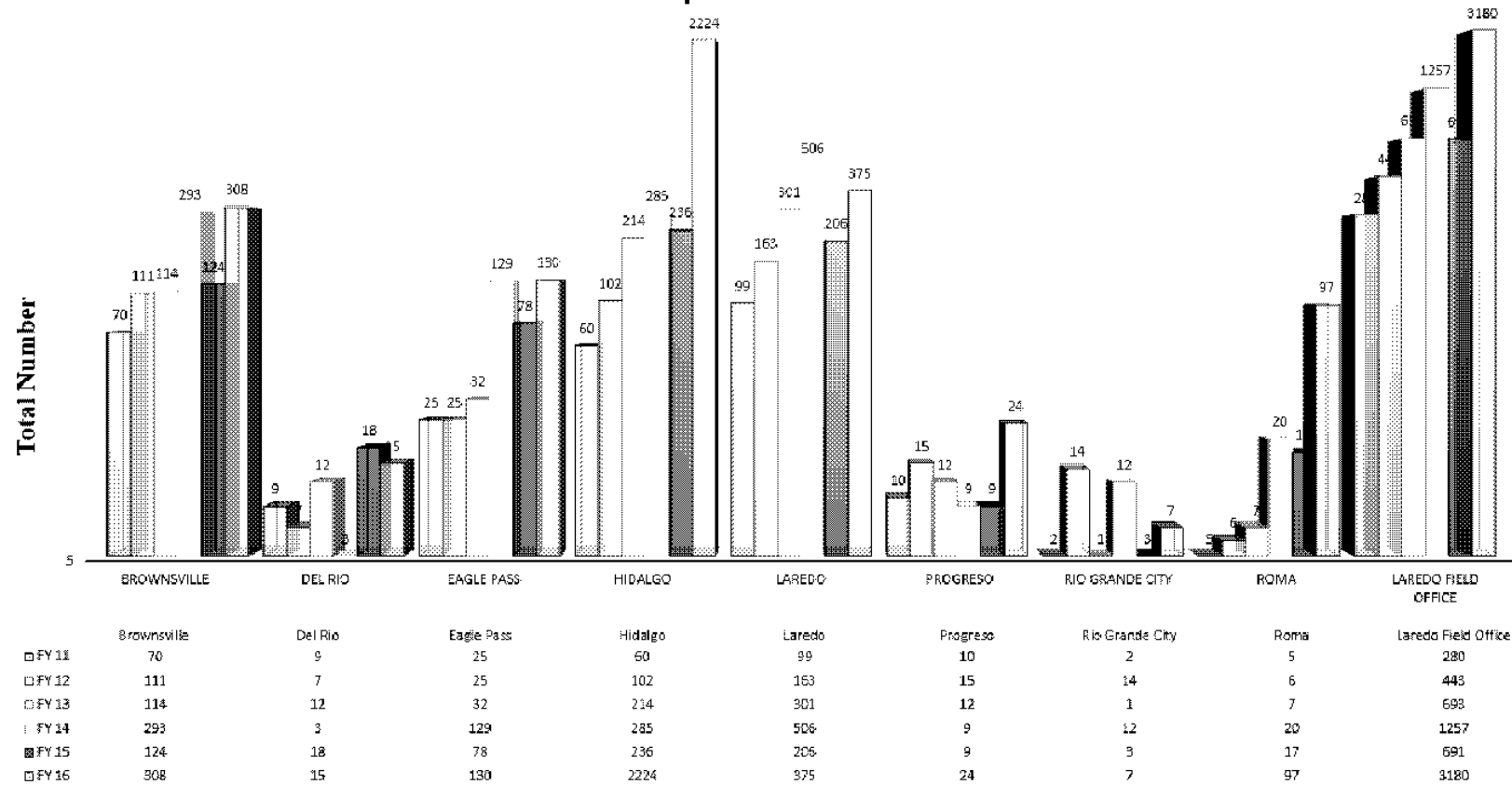
Roma POE

Location	Cell in Admissibility Processing Area	Cell (1) Capacity	Cell (2) Capacity	Total Capacity
Roma	2	4	4	8
Falcon Dam	2	4	4	8
TOTALS:	4	8	8	16

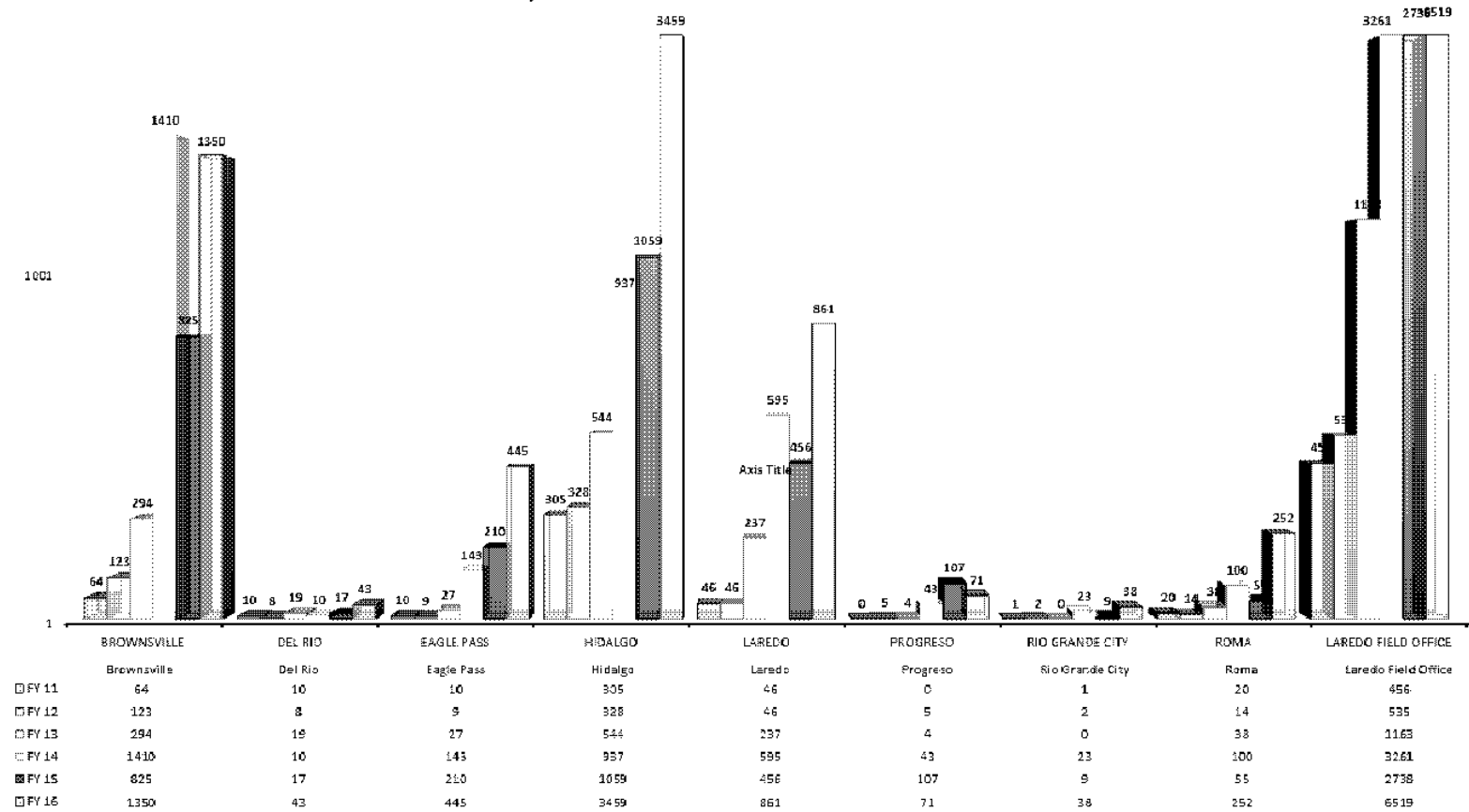
Location	Cell in Secondary Area		Cell Capacity		Total Capacity	
	Pedestrian	Vehicle	Pedestrian	Vehicle (1)	Vehicle (2)	Vehicle
Roma	0	2	0	4	4	4
Falcon Dam	0	2	0	4	4	4
	0	0	0	0	0	0
TOTALS:	0	4	0	8	8	8

Grand Total of Cells: 8
Grand Total of Temporary Detention Capacity: 32

Annex K
UAC Statistics
Unaccompanied Alien Children



Annex L
ERCF Statistics
Expedited Removal with Credible Fear



Annex M
Laredo Field Office International Crossings (Types and Hours of Operation)

Port	Office / Crossing	Crossing Type	Days of Operation	Hours of Operation
Brownsville	Port of Brownsville	Port Office	Monday - Friday	0800 - 1600
	Gateway Bridge	Land	7 Days a Week	24 x 7
	Brownsville & Matamoros Bridge	Land	7 Days a Week	24 x 7
	Los Indios International Bridge	Land	7 Days a Week	0600 - 2400
	Veterans International Bridge	Land	7 Days a Week	0600 - 2400
	Brownsville Seaport	Seaport	Monday - Friday	0800 - 1600
	South Padre Island International Airport	Airport	7 Days a Week	0600 - 2200
	West Rail Bridge	Rail	7 Days a Week	Mon-Sat: 0800 - 2200 Sun: 0800 - 1600
Del Rio	Port of Del Rio	Port Office	Monday - Friday	0800 - 1600
	Del Rio International Airport	Airport	7 Days a Week	As Needed
	Del Rio International Bridge	Land	7 Days a Week	24 x 7
	Lake Amistad Dam	Land	7 Days a Week	1000 - 1800
Eagle Pass	Port of Eagle Pass	Port Office	Monday - Friday	0800 - 1600
	Camino Real International Bridge	Land	7 Days a Week	24 x 7
	Union Pacific International Bridge	Rail	7 Days a Week	24 x 7
	Eagle Pass International Bridge I	Land	7 Days a Week	0700 - 2300
	Maverick Memorial International Airport	Airport	As Needed	As Needed
Laredo	Port of Laredo	Port Office	Monday - Friday	0800 - 1700
	Juarez-Lincoln International Bridge	Land	7 Days a Week	24 x 7
	Gateway to the Americas Bridge	Land	7 Days a Week	24 x 7
	KCS International Railroad Bridge	Rail	7 Days a Week	24 x 7

Port	Office / Crossing	Crossing Type	Days of Operation	Hours of Operation
	Colombia Solidarity Bridge	Land	7 Days a Week	Pax: 0800 - 2400 Cargo: M-F: 0800 - 2400 Sat: 0800 - 1600 Sun: 1000 - 1400
	World Trade Bridge	Land	7 Days a Week	M-F: 0700 - 2400 Sat: 0800 - 1600 Sun: 1000 - 1400
	Laredo International Airport	Airport	7 Days a Week	24 x 7
Hidalgo	Port of Hidalgo	Port Office	Monday - Friday	0800 - 1630
	Anzalduas International Bridge	Land	7 Days a Week	0600 - 2200
	Hidalgo International Bridge	Land	7 Days a Week	24 x 7
	Pharr International Bridge	Land	7 Days a Week	0600 - 2400
	McAllen-Miller International Airport	Airport	7 Days a Week	0800 - 2400
	Edinburg User Fee Airport	Airport	Monday - Friday	0800 - 1600
Progreso	Port of Progreso	Port Office	Monday - Friday	0800 - 1630
	Donna International Bridge	Land	7 Days a Week	0600 - 2200
	Progreso International Bridge	Land	7 Days a Week	24 x 7
	Valley User Fee Airport	Airport	Monday - Friday	0600 - 2200
	Weslaco/Mid Valley Landing Rights Airport	Airport	Monday - Saturday	0800 - 1700
Roma	Port of Roma	Port Office	Monday - Friday	0800 - 1630
	Falcon Lake Dam	Land	7 Days a Week	0700 - 2100
	Roma International Bridge	Land	7 Days a Week	24 x 7
Rio Grande City	Port of Rio Grande City	Port Office	Monday - Friday	0800 - 1630
	Rio Grande City International Bridge	Land	7 Days a Week	0700 - 2400
	Los Ebanos Ferry Crossing	Ferry	7 Days a Week	0800 - 1600

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

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9th Cir. Case Number(s) 19-56417

I hereby certify that I electronically filed the foregoing/attached document(s) on this date with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the Appellate Electronic Filing system.

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I certify that I served the foregoing/attached document(s) via email to all registered case participants on this date because it is a sealed filing or is ☒ submitted as an original petition or other original proceeding and therefore cannot be served via the Appellate Electronic Filing system.

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I certify that I served the foregoing/attached document(s) on this date by hand ☐ delivery, mail, third party commercial carrier for delivery within 3 calendar days, or, having obtained prior consent, by email to the following unregistered case participants (*list each name and mailing/email address*):

Description of Document(s) (*required for all documents*):

Volume 4 of Supplemental Excerpts of Record, containing (a) Appellees' Unredacted Preliminary Injunction Reply with exhibits 1-6; and (b) Appellees' Unredacted Preliminary Injunction Opening Brief, with exhibits 41-43.

Signature s/Ori Lev

Date December 23, 2019

(use "s/[typed name]" to sign electronically-filed documents)

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